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HISTORY OF ENGLAND.

VOL. I.

LONDON:
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THE
HISTORY OF ENGLAND

FROM
THE EARLIEST TIMES

TO
THE FINAL ESTABLISHMENT OF THE REFORMATION:

BY
THE RIGHT HONOURABLE
SIR JAMES MACKINTOSH.

A NEW EDITION, REVISED BY THE AUTHOR'S SON,

R. J. MACKINTOSH, ESQ.

IN TWO VOLUMES. — VOL. I.

LONDON:
LONGMAN, BROWN, GREEN, AND LONGMANS.
1853.

P R E F A C E.

THE authors of the Histories of Scotland and Ireland in the *Cabinet Cyclopædia*, in which the present Work also first appeared, were respectively Sir Walter Scott and Mr. Moore. The volumes now in the reader's hand have been again consigned to the press under the same superintendence as was exercised in the previous instance of the collection of the *Miscellaneous Works* of the present Author; and the fact is thus prominently intimated in consequence of a similarly large responsibility in the revision—occasionally venturing to the extent of a supposed emendation—of the text having been again on the present occasion assumed by the Editor. The propriety of such assumptions of authority must be left, probably always, to be judged according to the ever-varying standard of individual taste: but of the fact of their existence notice would seem to be in each case required. Further: while these volumes contain the whole of what, at the period of the Author's death, was designed for publication,—with a view of obviating, in as much as is now permitted, the reproach of incompleteness,

which the image, as it were, of a plough left standing in mid-furrow never fails painfully to suggest,—a few passages of an insulated character have been now thrown into an appendix, and the termination of the main narrative has been made to coincide with the real conclusion, in so far as this kingdom was concerned, of the most important of the recent epochs in human affairs.

R. J. MACKINTOSH.

ADVERTISEMENT

PREFIXED TO

THE FIRST EDITION.

THE following volumes are a part of an experiment to ascertain how far the most necessary portions of historical knowledge may, even in an abridged narrative, be rendered acceptable to general readers. Neither my habitual relish for English history, nor the hazardous honour of acting with such fellow-labourers*, has blinded me to the difficulties of the attempt, which experience has shown to be more considerable than I apprehended they would prove. I need not compare the convenience of abridgment with the merits of circumstantial recital: both these sorts of historical composition have their use, and they must both always continue to be written. On behalf of such sketches, I may venture to take it for granted that an outline may be useful as an introduction, and convenient as a remembrancer; that it is a particularly accessible manual for reference; and that it may contain information concerning the affairs of one people, which men of different pursuits, of little leisure, or of other countries, may think it necessary to have always within their reach. The object at

* Sir Walter Scott and Mr. Thomas Moore were the authors respectively of the Histories of Scotland and Ireland which appeared in conjunction with this work in the "Cabinet Cyclopædia." — Ed.

which I have aimed is, to lay before the reader a summary of the most memorable events in English history, in regular succession, together with an exposition of the nature and progress of our political institutions clear enough for educated and thinking men, with as little reasoning or reflection as the latter part of the object to which I have just adverted will allow, and with no more than that occasional particularity which may be needed to characterise an age or nation,—to lay open the workings of minds which have guided their fellows,—and, most of all, to strengthen the moral sentiments by the exercise of them on the personages conspicuous in history. I am fearful that I shall be thought to have said too much for one class of readers, and too little for another, on the history of our government and laws. I can only offer in excuse that the characteristic quality of English history is, that it stands alone as the history of the progress of a great people towards liberty during six centuries; that it does not appear reasonable to lose sight of this extraordinary distinction in any account of it, however compressed; that the statement offered here, short as it must be, may much facilitate the right understanding of more recent controversies and changes; and, lastly, that a writer, however much he is to curb his peculiarities and guard against his most frequent faults, must at the same time bear in mind that there are some parts of every extensive subject for which nature and habit have less unfitted him than for others.

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HISTORY OF ENGLAND.

CHAPTER I.

INTRODUCTION.

AT the dawn of history, the western countries of Europe were occupied by tribes, differing from each other in those circumstances of physical constitution, outward form, usages, and especially language, which, for the purposes of civil history, may be considered as dividing mankind into distinct races. To whatever causes, acting in the infancy of nations, and long before the age of records, these varieties are to be ascribed, certain it is that, in the course of centuries, the ties of descent and language can be drawn so close, that their lasting effects may be easily observed, although too variable and complicated to be capable of definition. Peculiarity of character is transmitted in families and in tribes; and the influence of kindred blood extends, though growing fainter as it is diffused, to nations, and to a race which may comprehend many nations.

When the Greek and Roman writers began to turn their eyes westward, they found Europe, from the farthest shores of Ireland to the banks of the Danube, peopled by a race called Gauls or Celts (or rather Kelts), who, before they were bound to the soil by tillage, had covered a great part of Spain by their armed migrations, and pouring predatory bands from their Alps into Italy, had struck a blow at Rome, and stretched their lasting dominions to the Apennines. Their settlements extended

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along the Danube, with uncertain limits, till they were met by those of the Sarmatians, Thracians, and Illyrians. Their expeditions, more for plunder than for conquest, being in general prior to the period of history, we have but slender means of probable conjecture respecting their antiquity and extent. Some of their later incursions into, or establishments in, Italy and Greece are better known to us. A numerous body of the natives of Gaul, either of Celtic or Teutonic race, or composed of both, deserting some bands of their countrymen who were ravaging Greece, established themselves in Asia Minor, under the successors of Alexander, and gave their name to the country, afterwards called Galatia. How far these wide-spread irruptions may, at different times, and in various proportions, be ascribed to the natural restlessness of such tribes, to the rapacity of their chiefs, and to the resistless pressure of invading barbarians from behind, are questions to which we have no means of giving a satisfactory answer.

The northern boundary of the Gauls was in general the Rhine, separating them from the Germanic or Teutonic race, which spread into Scandinavia, towards the last retreats of the Finnish tribes, in the polar solitudes, on the one hand; and extended, on the other, from the shores of the Atlantic to the immense plains of the Sarmatians and Dacians. By the Garonne, they were divided from the Aquitanians, a people who appear by the testimony of the ancients, as well as by the names of the rivers and mountains of the Spanish peninsula, to have been its original inhabitants.* Of this Iberian race a small portion, under the name of Ligurians, occupied the coast of Gaul from the Pyrenees to the frontier of Italy.

Greece, more near the earliest seats of civilisation, was open to colonisation and conquest from various

* This point is satisfactorily established by the Baron W. von Humboldt, in his most learned work on the significancy of most names of natural objects in Spain in the modern Bask language.

sources, both by land and sea. Hence, perhaps, has arisen the difficulty, not yet conquered, of discriminating its first inhabitants from its more civilised visitants, as well as of distinguishing the various bands of the latter from each other. Italy, accessible to colonists by sea, either from Greece or Asia, and always liable to the inroads of the natives or masters of the Alps, was inhabited by a greater variety and mixture of races than any other western region. Hence has arisen a confusion in the genealogy of its tribes, which modern acuteness and learning * have only begun to disembroil. Colonies of the Phœnicians, as far as Carthage and Cadiz, still encircled the Mediterranean. No Grecian colonists had planted themselves farther to the west than the prosperous establishment of the Phœceans, at Massalia, or Massilia, which still flourishes under the slightly altered name of Marseilles.

It will be easily understood that in such times the natural boundaries of nations were often and irregularly changed. The course of migration was often diverted from its ordinary channels,—sometimes turned back towards its original source. Races were mingled, so that distinction became no longer discoverable. Of this confusion the Galatians in Asia, and the Keltiberians in Spain, afford notable examples. The Belgic people of northern Gaul have been thought by some to have been a mixed race of borderers. It is certain that Teutonic tribes, either from descent or from neighbourhood, were generally classed among them: though the natural tendency of an unwritten language be to break down first into dialects, and afterwards into distinct tongues, yet it happens sometimes in peculiar circumstances, that languages originally different, run into each other. At the opposite extremities of the earth, the Hindustanee and Anglo-Norman were formed out of jargons used in the

* Niebuhr. History of Rome, under head of "Ancient Italy."

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intercourse of the conquerors and the conquered. The victors have sometimes imposed their language on the vanquished with little mixture, as in some provinces of the Western empire. In India, it now seems to be the prevalent opinion that the Brahmins, either by the influence of religion and learning, or by the power of arms, have deeply tinged with Sanscrit all the varieties of Indian languages, though springing from entirely unlike and independent roots.

It may be convenient to warn the reader against confounding the signification of the term "race" in civil history with its import amongst naturalists. The latter confine their view to the animal nature of man, taking no account of his language, or of minor and superficial varieties in his exterior. They admit at present only four*, or five races of men; 1. Caucasian; 2. Negro; 3. Tartar; 4. American; 5. perhaps Malay. Colour they justly exclude from their test. But though the Negro and the Mongol differ much more deeply and fundamentally from the European than the Hindu and the Arab, yet those who grant that the latter difference is the work of physical causes, in a long course of ages, will find it hard to prove that causes more powerful, and acting for a longer time, may not have at length produced the wider difference. By long separation, and by the natural divergency of language, these historical divisions of mankind are broken into smaller subdivisions, not always corresponding with the political distribution of territory. The same state contains many tribes of very various race: the same race is subject to many distinct rulers.

We are authorised by the decisive evidence of speech to conclude with certainty that the Celtic race is subdivided into at least two distinct portions, with lan-

* Kant, Von den verschiedenen Racen der Menschen, &c.; Vermisch. Schrift. vol. ii. pp. 607. 660.

guages, which, though evidently derived from a common stock, are not reciprocally intelligible. One branch, called Gaelic, is still spoken by the Irish nation, by the Highlanders of Scotland, and in the Isle of Man: the other is the common speech of Wales and Lower Brittany, and was within the memory of man spoken in Cornwall. The common language seems only to differ in each subdivision by provincial variations. The Gaulish tribes are unable to converse with the Cimbric; yet there is sufficient evidence that the two languages are branches of the same family. Many circumstances combine to render it probable that the Cimbric followed the Gaulish settlers; and it is a specious and perhaps tenable supposition, that the former were the same Cimbri who, in conjunction with their Teutonic allies, were expelled from the Roman territory with a slaughter so enormous, and after atrocities so unmatched, as to be suspected of having been exaggerated—very naturally, but not perhaps justly, if it be borne in mind that the adversaries of the Romans were not armies, but migratory nations, bringing into the field women and children and fierce animals, all contributing to swell the horrors of the butchery, and first within the historic age teaching the Romans to dread the arms of the northern barbarians.

Before we finally confine our view to the British islands, it is natural to premise a remark on the contrast between the character of the two potent races which unequally shared these islands and the adjoining continent. The superior importance of the Teutonic, in our eyes, may be plausibly, and in part truly, imputed to the greater antiquity and obscurity of the Celtic contests with civilised nations, to the occurrence of the latter during the full vigour of Roman policy and discipline, to the fortunate position which reserved the Germanic tribes for encounter with the decaying powers of the conquerors, and to the lustre reflected on them by the

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success of their descendants, not only in arms, but in arts and legislation.

Much may be undoubtedly ascribed to all these causes. There are, however, marks of a deeply-seated distinction to which they do not reach. The valour of the Gauls, their willingness to assist each other against foreigners, their vivacity and natural capacity, are attested by the best observers of antiquity.* Cæsar himself does justice to the merits of the brave tribes whom he subdued. They were far advanced beyond their Germanic neighbours in the arts and accommodations of life. This cultivation seems, indeed, to have been more conspicuous in the southern and eastern countries, influenced perhaps by the contiguity of the lettered and well-ordered republic of Massilia, as well as subsequently by the example of the Roman province, than along the frontier of the Rhine, or on the border of the ocean; yet the inhabitants of Franche-comté, of Burgundy, and of Auvergne, in and before the campaigns of Cæsar, had in their turn been the leading nations of Gaul.

The unprejudiced and unaffected description of the Gaulish character and usages by this great man is not only an admirable specimen of his calm observation and simple elegance, but is deserving of the utmost consideration, as a picture, by the hand of a master, of a condition of society which has been seldom paralleled:—“Among the Gauls the multitude are in a state of servile dependence upon the equestrian and sacerdotal orders. Most of them, indeed, for the sake of exemption from taxes or deliverance from debt, or protection against danger, have enslaved themselves to the nobility, whose power over them is as absolute as that of a master over his slaves. The Druids have the care of education: they alone cultivate knowledge; concealing from the vulgar the secret doctrines, in which only their pupils are in-

* Strabo, on the authority of the philosopher Poseidonius, who had travelled in Gaul before Cæsar.

itiated. Their sacred and scientific duties exempt them from taxes and from military service: they determine the greater number of litigated questions: it is their business to allot rewards and punishments. The party who refuses to abide by their decision is punished by interdiction from sacrifices; which disables him from public office, brands him as impious and criminal, and cuts him off from intercourse with his fellow-creatures. These powers are rendered the more dreadful by the proneness to a dire superstition which taints the Gaulish character. All the political authority which such prerogatives in the priesthood suffer to exist, is exercised by a turbulent and factious nobility, whose constant occupation is to recruit and exercise their devoted adherents. The chieftain, or 'vergobret,' has an uncontrolled power of life and death over all the laymen of his tribe. Their domestic life corresponds to their ecclesiastical and civil polity. Husbands have the power of life and death over their wives and children. At the death of a nobleman, if there be suspicion against the wives, they are put to the torture as slaves: if they be thought guilty, after cruel torments, they die in the flames."*

Most communities, in their advance out of barbarous confusion, have, indeed, been unable to stop short of throwing all power into the hands of a single person. They are generally borne along by the impulse of flying from evil which has been felt; acquiescing in an assumption of authority by the hands which alone afford them protection. But this progress is commonly slow, and nations are enticed into it partly by some proportional progress in the arts of life, which is considered as a visible proof of the propriety of their submission. It is

* De Bello Gallico, lib. vi. cap. 13. 19. &c. Cæsar is represented as the highest authority on these subjects by the most competent of judges:—"Summus auctorum Divus Julius." Tacitus, De Moribus Germanorum, cap. xxviii.

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very seldom that we find so rapid an exchange of lawless licence for the evils of blind and irrevocable obedience to the will of others, as by the account of Cæsar appears to have taken place among the Gauls. Though they had advanced somewhat in arts and manners, they had made no progress towards civilisation which can be compared with that of their governments towards absolute power over the thoughts and actions of men. In one point of view they seemed to be only emerging from savage life: in another, they appeared to be on the verge of eastern decrepitude, without the imperfect compensations of the ingenious industry and refined luxury of the old nations of Asia.

The quick glance of Cæsar over Germany had been chiefly confined to the rudeness of their arts, and to the qualities which fitted them for military usefulness. About one hundred and fifty years after he passed the Rhine, when the Roman wars had penetrated to the neighbourhood of the Baltic, another great observer,—though not indeed with the simplicity of purpose and composition which gives a grace to the naked narrative of Cæsar,—has described the Germans, in a work, which, lowered as it is by a spirit of insinuation and sarcasm, nevertheless maintains its place among the most valuable remains of antiquity. In the age of Tacitus, the Germanic tribes had evidently advanced farther in the arts of life; but their independent spirit had not abated. The historian describes their generous, though disorderly, freedom, as if it was no less characteristic of the race than their fierce blue eyes, their red hair, their huge frame, better fitted for violent effort than for patient industry:—“Their kings are chosen from the nobility: their leaders are selected on account of their valour. The power of the kings is not without limits: the generals command more by example than by authority. The chiefs regulate ordinary business: great affairs are brought before the whole tribe by the king

and other chieftains, and determined by the suffrages of the whole. These assemblies take cognisance of capital crimes, electing judges for the districts, to each of whom a council of one hundred assessors is also appointed. Though almost without clothing, and living apart from towns, and though the permanent appropriation of land to individuals is unknown among them, yet they alone, among barbarians, reject polygamy. Female purity is respected: the female sex, therefore, is held in honour. By a rare example, slaves are treated with lenity; sometimes indeed killed in moments of anger, but never subjected to cruel punishment, or more cruel labour."*

In this remarkable picture we see a people as much behind the Gauls in attainment and superficial refinement, as beyond them in that unshackled activity of mind which is the sole parent of the dignity and advancement of mankind. Their opinions were not blindly received from priests; nor was their liberty of action fettered by chiefs. Their souls were raised by taking a free part in concerns more dignified than those of individuals. That energy was awakened, which, after many ages of storm and darkness, qualified the Teutonic race to be the ruling portion of mankind, to lay the foundation of a better-ordered civilisation than that of the Eastern or of the ancient world, and finally to raise into the fellowship of these blessings the nations which they had subdued, but with which they are now indiscernibly mingled.

The monuments of history do not enable us to explain this singular contrast between neighbouring races. The Druidical system is not without oriental features. So much subserviency of one part of a nation to another, in an age so destitute of the means of influence and of the habits of obedience, is not without resemblance to that system of ancient Asia, which confined men to

* *Germania*, cap. iv. vii. xi. xii. xlv.

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hereditary occupations, and consequently vested in the sacerdotal caste a power founded on the exclusive possession of knowledge. But the Egyptian and Phœnician colonists who settled in the Hellenic territory were, by some fortunate accident unknown to history, set free from those Asiatic restrictions which, having probably long subsisted as usages, had been at length sanctioned among their ancestors by law and by religion as the sole security against a relapse into total barbarism. The plough and the loom were conveyed in safety. The fetters which prevented further improvement were struck off. Some writers, chiefly Germans, who have lately used learning in a philosophical spirit, suppose that they have discovered in the constitution of society in Greece and Italy some traces of subjection to a sacerdotal and to a military caste. While the greater writers of Greece and Rome, intent on the beauties of composition, and on the memorable events of their authentic history, may have overlooked these minute and obscure traces of a system so unlike that of their own times. Acuteness and erudition seldom ~~ed~~ paralleled have lately been employed in gathering and weaving together from illustrations of ancient laws, from passages of legendary poetry, from works on the antiquities of language, and innumerable other sources, all the fragments and allusions which can be supposed to indicate such a state of things. If these speculations had reached a maturity which would authorise history to adopt them, it might not improbably be supposed that the oriental system, with its restrictive and stationary spirit, had been imported into Gaul before the period of record, and that it had withstood the example of the more generous polity afforded by the neighbouring republics of Grecian origin.

It must not be denied that the political usages of the Germans resemble those of many other tribes in a state

of rudeness; and it may be supposed that, as the disgust of Tacitus at the dissolute manners of his countrymen vented itself in commendations of Teutonic purity, so the picture of Germanic liberty may have owed some of its bright colouring to the indignation against Roman slavery which glowed in his republican heart. Yet we cannot survey the globe without observing ancient and indestructible peculiarities in the character of a nation, or a race, of which we are unable to discover the causes. It is at least a harmless illusion of the nations of Europe to have considered these passages as affording a probability that the love of liberty was the peculiarity of the Teutonic race, and on that account to cherish more sanguine hopes that it may be unfolded in every nation of the European family, to be one day carried by them over the whole earth.

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— THE far greater part of the names of mountains, lakes, and rivers, in both the British islands, are to this day descriptive and significant only in some Celtic language. The appellations of these vast and permanent parts of nature are commonly observed to continue as unchanged as themselves. It is reasonable therefore to believe, that a people of Celtic race were the earliest inhabitants of these islands. As the Gaelic explains many more of these names than the other branch of this language, the same inference seems to show that those who used it were the prior colonists. Beyond these probabilities, our ancient history is involved in impenetrable darkness. The Phœnicians and Massilians traded in the tin of Cornwall; and from them geographers spoke of the Cassiterides, or Tin Islands; but whether the traffic was direct or indirect, we are ignorant. The variety of communications in the age of Augustus, from the Mediterranean to the Atlantic through Gaul, by means of the Rhone, the Loire, and the Garonne, for the purpose of the trade in tin, favour the supposition that it was chiefly indirect; to which the ignorance of such a writer as Strabo as to the position of the Tin Islands, which he places near the coast of Gallicia, appears likewise to be friendly. On the other hand, Festus Avienus, who constructed that part of his metrical geography which relates to the west from an acquaintance with Carthaginian authorities, places them so near their real situation, as to lead us to believe that they were known at Carthage; a notion which is, in some measure,

confirmed by journals of navigators towards the northern sea, of disputed antiquity however.

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The first events in the authentic history of Britain are the landing of Cæsar on its eastern shores, in the fifty-fifth year before the Christian era, and his invasion of the country in the following year. The course of his conquest of Gaul had brought him in sight of an island hitherto known only by name to Greece and Rome, and in which was even subsequently laid the scene of those fables and prodigies with which the imagination is at liberty to indulge itself in peopling unexplored lands. He was probably desirous, while gratifying himself, of dazzling the minds of the people of Rome, and of seeming to be engaged in objects of ambition remote from home, in these expeditions against a new world. They furnished him also with a pretence for prolonging his provincial command, and for keeping up an army devoted to himself till the fulness of time for the execution of his projects against liberty should arrive. On the first occasion, when he disembarked near Deal, his landing had been firmly disputed by the natives; whom, however, the effect of his discipline and arms had overawed. The deputies sent to lay their submission before him; but, having seen his numbers, and having learnt that accidents, arising from Roman ignorance of the ocean, had damaged his fleet, they determined again to renew their attack,—a levity and want of faith for which they were severely punished. The approach of winter, however, induced Cæsar to secure his return to Gaul by a ready acceptance of such submission as they proffered. In the ensuing spring, he appeared on the British coast with an armament of eight hundred vessels; at the sight of which, the Britons, who had assembled in considerable force, withdrew into their forests, where they were always most formidable to their enemies. The Roman army, how-

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ever, penetrated into the country, and, passing the Thames above Kingston, entered the country of the Trinobantes, comprising the territory in which London is now situated. The advance was bravely resisted; and it is owned by the conquerors that the regular movements and heavy armour of the Romans often unfitted them for action in a forest-campaign against the light and nimble barbarians. Cassivelaunus, one of their leaders, distinguished himself by his boldness; but genius and science asserted their usual superiority. The British chiefs promised to pay tribute and to abstain from hostility against those of their countrymen who had abetted the Romans. Cæsar, who showed no signs of an intention to establish himself in Britain, and who probably regarded his expeditions beyond the Rhone and the Channel only as a means of flattering the Romans, and of displaying the complete reduction of Gaul, returned to the continent to restrain the discontents of the Gauls, which soon after broke out into revolt. This and all the other contests in which he was engaged with the Celts and Teutons, exhibits a lively picture of a conflict between skill and experience, wielded by a systematic, but decently-disguised, lust of aggrandisement, and attended on the civilised side by that abatement of military horrors which generally suits the policy of the far-sighted conqueror, and, on the part of the savages, by headlong rashness, desperate bravery, atrocious cruelty, and a disregard of those compacts and conditions, which, however imposed by force, and intended only to smooth the way to subjection, are yet so manifestly conducive to the general benefit, that the open violation of them is condemned by civilised nations, — unless, perhaps, in those cases of dire necessity where national existence is at stake.

At the time of Cæsar's landing, the southern part of the island of Great Britain was inhabited by a multitude of tribes, of which the Romans have preserved the

names of more than forty. So great a number living in lawless independence is alone a sufficient proof of their barbarism. Far surpassing the rest in the arts and manners of civil life, colonies, probably recently from Belgic Gaul, and retaining the names of their parent tribes, had begun to introduce tillage into the maritime provinces southward of the Thames. The inhabitants of the interior appear to have been more rude and more fierce. The greater part of them raised no corn, subsisting on milk and flesh; and were clothed in the skins of the beasts which they had destroyed for food. They painted and punctured their bodies, that their aspect might be the more horrible in war. The use of carriages in warfare is a singular instance of labour and skill among such a people. Their domestic life was little above promiscuous intercourse. Societies of men, generally composed of the nearest relations, had wives in common. The issue of this intercourse were held to belong to the man (if such there should be) who formed a separate and permanent connection with the mother. Where that appropriation did not occur, no man is described as having been answerable for the care of the children. Perhaps no barbaric usage could mark a lower point on the scale of moral civilisation. The countries since called Scotland and Ireland were probably not more advanced.

The supposition of Cæsar, that Druidism took its rise among the Britons, is not easily reconcileable with their general inferiority to the Gauls. That the most secret mysteries of the Druidical priesthood were in his time chiefly taught in Britain, may be explained by the natural proneness of such superstitions to take refuge among the blindest of their votaries, and to fly from the neighbourhood of rival superstitions, and still more from the scrutiny of civilised and inquiring men. It is vain to inquire into the forms of government prevalent among a people in so low a state of culture. The

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application of the terms which denote civilised institutions to the confused jumble of usages and traditions which gradually acquire some ascendant over savages, is a practice full of fallacy. The Britons had a government rather occasional than constant, in which various political principles prevailed by turns. The power of eloquence, of valour, of experience, sometimes of beauty, over a multitude, for a time threw them into the appearance of a democracy. When their humour led them to follow the council of their elders, the community seemed to become aristocratic. The necessities of war, and the popularity of a fortunate commander, invested him in times of peril with a sort of monarchical power, limited rather by his own prudence and the patience of his followers than by laws, or even customs. Punishment sprang from revenge: though it was sometimes inflicted to avenge the wrongs of others. It is an abuse of terms to bestow the name of a free government on such a state of society. Men, in such circumstances, lived without restraint; but they lived without security. Human nature in this state is capable of occasional flashes of the highest virtues. Men not only scorn danger and disregard privation, but even show rough sketches of ardent kindness, of faithful gratitude, of the most generous self-devotion. But the movements of their feelings are too irregular to be foreseen. Ferocious anger may, in a moment, destroy the most tender affection: savages have no virtues on which it is possible to rely.

A. D. 36. Ninety years after the expedition of Cæsar, the Britons seemed to be threatened by Caligula, at the head of an army on the coast of Gaul. But that giddy youth, intoxicated by boundless power, and seeking only an occasion for one of his insane freaks, commanded his troops to charge the ocean, and to load themselves with shells, to serve as the ornaments of his triumph over that boisterous enemy.

About six years afterwards the adventurous and unprofitable enterprise was seriously resumed under Claudius:—a prince who combined learned research into subjects foreign to the duties of government with an abject and supine temper, even in a greater degree than more active vices, unfitting men for the exercise of authority. In the name of their imbecile monarch, two distinguished officers, Aulus Plautius and Vespasian, employed seven years in reducing the country southward of the Thames. They penetrated to St. Alban's and Colchester, then British fastnesses, soon after to be Roman towns. Ostorius Scapula extended the province to the banks of the Severn, but built a chain of forts to bridle the independent tribes. Here he encountered the Silures of South Wales, the most warlike and implacable of the Britons, led by their king Caractacus, or rather Caradoc, who by signal success, and by defeat manfully endured, was eminent among British commanders. Skilfully availing himself of an advantageous position, and exhorting his followers to remember that Cæsar himself had been driven from the British shore, he bade them preserve, by their valour, the liberty which they had inherited. They loudly vowed that neither arms nor wounds should appal them. The Roman general was astonished; but the spirit of his soldiers was roused, and they cried out that no position was impregnable to the brave. They prevailed: the brothers of the British chief surrendered; his wife and daughter were made captive. He took refuge among the powerful tribe of the Brigantes in Yorkshire; but their queen, Cartismandua, betrayed him into the hands of the enemy.

The fame of Caractacus had preceded him in Italy: the people were eager to see the man who, for so many years, had defied the empire. His family supplicated for mercy. He himself, however, addressed the emperor with a manly dignity, alike removed from meanness and

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from insolence. Claudius treated him with lenity and respect, not unaware how much the dignity of the vanquished enhances the glory of the conqueror.

59. The unconquerable Silures, however, renewed their attacks on the Romans, keeping up the animosity of their countrymen by this example. Ostorius, weary of an obscure and destructive warfare, dying, his successors were for many years confined to the defensive. Of these, Suetonius Paulinus, an ambitious officer of high reputation, but prone to the use of cruel means against barbarians, having obtained the province of Britain, resolved to destroy the sacred seat of the Druids in the island of Mona or Anglesea, considering it as the centre of British union, and the source of the spirit of resistance. After crossing the strait, he saw the declivities covered with a forest of arms and soldiers, in the midst of which were women, running to and fro like furies, with mourning apparel, and dishevelled hair, and brandishing torches in their hands: while Druids stood around with hands uplifted to heaven, breathing forth dire prayers for the destruction of the invaders. The Roman soldiers, at first awed by the spectacle, were soon ashamed of being afraid of women and priests. The Britons were consumed in the flames which they had kindled for others; and the groves were cut down, which had so long resounded with the cries of human victims.
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In the midst of this warfare, Suetonius received the alarming intelligence of a general insurrection of the subdued tribes. The immediate cause of provocation had been the injustice done to the Iceni, and the atrocious outrages offered to their queen Boadicea, who was publicly whipped, and constrained to witness the violation of her daughters. Many tribes flocked to the standard of the wronged queen. Together they destroyed the infant colony of Maldon or Colchester; and in the more flourishing colony of St. Alban's are said to have

put to death seventy thousand persons, with all the tortures which revenge could devise. Suetonius, however, soon succeeded in bringing them to a general action in open ground. In that situation he disregarded the immense superiority of their numbers. Boadicea, as she passed along the front of her army, entreated her countrymen to avenge her wrongs and those of her daughters who sat beside her in the car. But the Britons were defeated with tremendous slaughter, reported by some, as the historian informs us, to amount to eighty thousand; while the victors lost only five hundred. "The glory," says the Roman historian, "won on that day was equal to that of the most renowned victories of the ancient Romans." Boadicea poisoned herself; and Posthumus, the commander of a legion not engaged, fell on his sword, indignant at losing his share of the victory. The successors of Suetonius, however, notwithstanding this great success, relapsed into inactivity. Cerealis and Frontinus employed seven years in reducing the powerful tribes of the Silures and Brigantes.

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The emperor Vespasian, who had first distinguished himself by his services in Britain, soon after he had prevailed over his competitors for the empire, appointed Cneus Julius Agricola to the government of that province, the third person of consular rank of whom it had been deemed worthy. His administration would have been as little known to us, as that of those who went before him, if he had not given his daughter in marriage to C. Cornelius Tacitus; whose life of his father-in-law is a singular instance of the power which genius, in ages where historical materials are scanty, may exercise over the allotment of fame. The character of Agricola is an excellent example of a union of capacity and vigour in war with prudence and moderation in civil life. His well-balanced mind was averse from all excess; but it was without those brilliant peculiarities in which the biographer delights. The only general

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 maxim by which the historian attempts to exalt the character of his hero is, that there is a conduct, even under tyrannical reigns, equally distant from servility and from turbulence, by which an eminent man may serve his country with safety and innocence. The work ought rather to be regarded as the funeral panegyric than as the life of Agricola. The age in which Tacitus lived afforded him few opportunities of acquiring a talent for praise by its frequent exercise: his style did not easily descend to ordinary particulars; and his affection, in this case, cramped its freedom.

84. Agricola began his government by conciliating the provincials, and by reducing Mona, which, as soon as the cruel vigour of Suetonius had been withdrawn, had again recovered its independence and its influence. In the course of eight campaigns, of which the indistinctness of the outline presented to us by Tacitus may be ascribed both to the generality of that writer's language and to the limits of his information, Agricola carried the Roman arms through the north-western counties of England into Scotland, where he joined by fortified posts the friths of Forth and Clyde, intending them probably for a frontier. Further north, having made an important accession to geography by the circumnavigation of the island, he at length found an army of mountaineers, augmented by fugitives from the plains, assembled under a chief, whose name, adapted to Latin analogy, he calls Galgacus, at the foot of the north-eastern part of the Grampian mountains, which, after an obstinate battle, he defeated and dispersed, with the carnage incident to the pursuit of a disorderly multitude. The Roman fleet returned from its voyage of discovery to the ordinary station in the isle of Thanet; Agricola himself established his winter-quarters on the level district lying to the northward of that natural frontier of a civilised empire, which was formed by the two friths.

But in the reign of Domitian it was difficult for the

most prudent general to be long successful with safety. On his return to Rome, all the arts by which he shunned celebrity proved insufficient to lull the jealousy of the tyrant, by whose direction it seems not obscurely intimated by Tacitus that Agricola was poisoned.

The Roman dominion reached, under Agricola, its utmost permanent extent in Britain. The natives were driven into the rugged and barren region beyond the Grampians. We know, though chiefly by the evidence of medals, that the mountaineers had broken into the Roman province, and were driven back into their fastnesses by the vigorous arm of Hadrian, who repaired the frontier fortifications of Agricola, erecting a second wall, from the Solway Frith to the mouth of the Tyne, of which the remains still subsist. Under Antoninus, the same species of fortification was constructed on the frontier of the more northern friths. The privileges of a Latin town were bestowed on a station called the "Winged Camp," either at Inverness, or on a promontory about twenty miles east of it, perhaps vainly intended as a badge of the permanent establishment of the new province.

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The slow progress of the Romans in the reduction of Britain is a fact which has not been sufficiently considered by historians. It forms a remarkable deviation from the ancient policy of that people, and indeed a striking contrast to their conquest of Gaul, though their last great acquisition in the West, and defended by a people as brave as the Britons, also more improved, and far more numerous. It is an instance of the sudden change produced in their foreign policy by a revolution in their internal government. The patriciate steadily advanced to universal dominion by adherence to the traditional policy of their body. The measures of each emperor fluctuated with his temper and his personal circumstances. The general policy was that of Augustus, who disapproved a greater extension of an empire, already

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possessed of natural frontiers, and beginning to acquire a species of moral unity; the Macedonian conquests having established the arts and language of Greece in Western Asia, and the Roman victories themselves having carried the same refinements throughout the European provinces. Beyond the frontiers, were either utter barbarism, or the civilisation of another world. The foundation of the imperial power had been laid in military usurpation; and the example was too recent not to affect the spirit of the administration. Domitian was jealous of Agricola, as a living reproach to his own baseness. Wise and good emperors, desirous of securing a civil and legal government, reasonably avoided conquests, as a mere temptation to victorious commanders to overthrow their own work. The prizes of ambition had become more splendid at home than abroad; and the Roman dominions were too vast to be embraced as a native country with affection and pride by even the most capacious soul. Under a prince of ability and energy, like Trajan, there was a possibility that the ancient patriotic spirit might be rekindled; but, generally speaking, the foreign wars of the empire took their rise from inevitable collisions between the commanders on the frontier and the yet unconquered barbarians. Agricola considered the complete reduction of Caledonia, and even the conquest of Ireland, as the best means of securing the southern province; but the ordinary policy of Rome was to confine the barbarians within their mountains. The fickleness, rashness, and rapacity of the mountaineers, however, seldom failed to supply a Roman general, ambitious of distinguishing himself, with specious pretexts for hostilities, which might drag the empire into war. No instructions from Rome could be so pacific as to exclude a recourse to arms in self-defence; and the attacks of the barbarians were perhaps generally within the letter of such an exception, though probably often at variance with its

spirit. It was easy to hide and disfigure facts in the relation of contests with a remote and unlettered enemy. The administration of Britain, therefore, depended on the character of the commander; and there seems no reason to wonder that the progress of conquests, attended by no gain and little glory, should be slow and fluctuating.

For the two centuries which followed, Britain was a Roman province; but its insular situation so often tempted its commander to assume the purple, that it was called "an island fertile in usurpers." Roman civilisation had extended to it in a less degree than to Spain and Gaul. The writers of the latter province were respectable; those of the former the most famous of their age. Roman Britain did not produce a single literary name. To what extent the prevalent use of Latin might have paved the way for that singular disappearance of the ancient language of Britain in the larger and more fertile portion of the island, which was completed under the Saxons, is a subject on which there are no memorials extant which will warrant us to hazard a conjecture. The Roman remains seem rather to indicate the luxury of the military stations of that people than any desire to adorn their province by civil architecture. The convenience and magnificence of their roads had a military purpose.

The Roman conquest, combined with the Saxon invasion, forms a civil chasm between the primitive inhabitants of the island and their modern successors. The infusion of the British element in the English language appears to be scanty. Our institutions are chiefly attributable to the Saxons: few of our offices, and not very many names of divisions of the country or of towns, can be traced farther. The only tie of national identity between the Britons and the modern English consists in the unaltered names of the grander masses of earth and water.

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Of the introduction of Christianity into Britain the exact period is unknown. From our more accurate information respecting its diffusion in Gaul, it may be reasonably supposed to have reached the neighbouring island very early. About the end of the second century, we find Tertullian boasting that the Gospel had subdued tribes which were yet unconquered by the Romans. Two centuries after, theological controversy became so prevalent, that Pelagius, a Welshman, and Celestius, a Scotchman, agitated all Christendom by their heresy (that is, their difference from the majority of Christians) on Original Sin and Free Will.

The Government was by a prefect, who exercised civil and military power under the control only of a questor, whose peculiar department was finance. It was divided into six provinces: 1. Britain to the south of the Severn and the Thames; 2. Britain containing Wales and the adjoining districts along the Severn; 3. Flavia Cæsariensis, extending from the two former provinces to the German Ocean, the Humber, and the Don; 4. Maxima Cæsariensis, between the Humber, the Tyne, and the Eden; 5. Valencia, stretching from the Tyne to the Clyde and the Forth; 6. Vespasiana, the country beyond the friths of these last-mentioned rivers, a short and almost nominal conquest.

One part of the Roman institutions had permanent consequences, of which we taste the fruits at this day. This was their care in providing for the government and privileges of towns. Thirty-three towns, or rather townships, were established, from Winchester to Inverness, with various constitutions and different degrees of dignity, which it does not belong to our present purpose to discriminate. The choice of the decurions and senators, out of whom magistrates were taken, was left to the inhabitants. To these magistrates belonged the care of public worship, of municipal property, and of local police, together with some judicial powers; though

such of the inhabitants as had received the privileges of Roman citizens could exercise their political rights only within the walls of Rome, — the last remaining dignity which seems to have distinguished the conquering city from the world which it had enslaved.* Whatever may have been some of the consequences attributable to the condition of these subordinate republics, it cannot be doubted that the remembrance and the remains of them contributed to the formation or preservation of those elective governments in towns which were the foundations of liberty among modern nations.

The same general decay, which in the fourth century exposed the northern frontier of the Roman empire to invasion at every point, in the same disastrous period tempted the Caledonians to make desolating inroads into the province of Britain. For a time it was defended by Theodosius, the father of the celebrated emperor. But in the progressive decline of the empire, the Roman troops were gradually withdrawn from this island, for the more urgent object of protecting the seat of dominion. About the middle of the fifth century, Britain was abandoned to her fate, and left to maintain, if she could, a precarious and disturbed independence. The emperor formally apprised the cities or townships that he absolved them from their allegiance, being no longer able to afford them protection. These corporations, and the military chiefs who led their troops, probably formed the only shadow of government remaining in the half century of confusion and darkness which ensued.

The British youth, who had been trained in the Roman army, had more than once driven back the bar-

* Savigny, *Hist. Rom. Law*; and Guizot, *Essais sur l'Histoire de France, Du Régime Municipal*. This last most learned and ingenious author supposes that the responsibility of the decurions for every default in

the municipal revenue, enforced as it was with intolerable extortion, impoverished, and at last ruined the middle classes of the provincials, and thereby destroyed one of the bulwarks of the empire.

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barous tribes of their frontier; but after a vain appeal to Ætius, who for a moment propped the falling empire, the states of Britain were led to employ in their defence auxiliaries who became in the end more formidable than the enemies against whom they had been called in to combat.* These mercenaries, who gradually rose to be conquerors, were chiefly Saxons, but with these were mingled Angles, Jutes, and Frisians. It is remarkable, that two of the most celebrated of the Germanic nations, which overthrew the empire of the West, the Franks and the Saxons, are unnoticed, at least under these appellations, in the descriptions of Tacitus. They were probably confederacies against the Roman power, formed and named subsequently to his age. The Franks inhabited the right bank of the Rhine, from the Maine to the sea: the Saxons had their chief seat on the Elbe. The Allemanni, another confederacy, who have left no lasting monument but their name, occupied the German side of the Upper Rhine.

The progress of conquest on the Continent was rapid. Many of the border tribes had learned military discipline in the Roman service: even the arts of civil life had made some progress among them. Their chiefs were pleased with the distinctions and titles of Roman officers. Men of barbaric race fought their way to the throne of Marcus Aurelius. They understood so accurately the qualities in which they were inferior to the vanquished, as soon after their establishment to entrust to Roman lawyers the task of preparing codes of law for them. They were thus prepared to give a favourable reception to the religion of the latter, which they soon embraced under some or other of its forms, while the difference between them and the Roman provincials was gradually narrowed. Their neighbourhood afforded every natural facility for invasion, and their familiar acquaintance with the country lessened its

* Saxon Chronicle, Ingram's translation, pp. 13—15.

military dangers. It is probable that many of the inhabitants of Gaul, seeing the northern chiefs advancing, with Roman names of office, considered the revolution as neither considerable nor mischievous. Experience alone was to teach them the nature of barbarian conquest.

The British islands were in a very different situation: they could only be invaded by sea. The number of invaders which could be transported in the small and rude vessels of that age was very limited. But the Saxons, as a piratical people, and remote from the Roman frontier, were difficult to check; which had obliged the Romans long before to establish an officer especially appointed to this service, under the name of Count of the Saxon Shire. Their barbarous religion sharpened their ferocity in conflicts with Christians. Their history, and that of the Scandinavians, illustrates, on a large scale, the usual cruelty of pirates, who frequently owe their success to the sudden terror spread by fire and sword, and whose scanty means of conveyance and custody often seems to compel them to destroy their prisoners. They attack with less strength, and their warfare provokes a more desperate resistance. To this cause is to be attributed, in a great measure, the slow progress of the Saxon arms in Britain.

Not long before the evacuation of Britain, Maximus, who assumed the imperial authority in that province, and ruled for several years over Gaul and Spain, is said to have established Conan, a British officer, with regal authority in the peninsula between the Seine and the Loire, then called "Armorica." It is related that many British soldiers in the army of Maximus had settled in that country, under the protection of Conan. The name of Brittany, and the singular resemblance of the language and manners of the inhabitants to those of the insular Britons, which have been by some imputed to this military settlement, are ascribed by others to the number of emigrants who took refuge in Armorica from

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the horrors of Saxon invasion. But though these events may have drawn more closely the ties of common descent, it is not probable that they would have produced such lasting effects, if the two nations had not originally agreed in race and language. From a cursory remark by Zosimus, it seems that at the moment of the evacuation of Britain, the Britons on both sides of the Channel took up arms to maintain their liberty.

The connection thenceforward subsisting between Wales and Brittany contributed to introduce the legendary history of the Britons into a conspicuous station in the heroic fables of Europe. Arthur, who in the sixth century appears to have ruled over the Britons of Cornwall, making a brave and often successful struggle against the invaders, became in process of time one of the darling heroes of those fictions in prose and verse which, under the name of romances, produced the first materials of original poetry among modern nations. His fame was communicated to the Carlovingian empire by the Armoricans. It was in a subsequent age more widely spread by the Norman minstrels, who exulted in the renown of the chief of their adopted country. They seem first to have engrafted his name on those tales of Trojan descent in which the Western provincials had claimed a share of the fabulous pedigree of their conquerors, and which the most enlightened nations of Europe continued to tolerate till the seventeenth century. The glory of one of the last champions of Christendom against ferocious Pagans, was alluring to ingenious fablers. The absence of authentic particulars set free their fancy; actions seen in so dim a twilight put on the size and shape which best pleased the poet; and the wonders of mythology, always gradually withdrawing before the advance of civilisation, found a natural and last retreat in the most remote regions of western Europe. To these circumstances, or to some of them, it is probably to be ascribed, that in the course of a few centuries a

Cornish or Welsh chieftain came to share the popularity of Charlemagne himself. The historical name of the great ruler of the Franks has, perhaps, borrowed a brighter lustre from the heroic legends with which it was long surrounded. In this country, on the contrary, a disposition has been shown to take revenge on the memory of Arthur for the credulity of our forefathers, by ungratefully and unreasonably calling into question his existence.

It must be owned, indeed, that the traditions of our heroic age have not the same historical value as those of some other nations. The fables of Greece, for example, besides their singular beauty, have the merit of being the native produce of the soil. As pictures of manners and indications of character, they are, therefore, true to nature. They may occasionally approach the inferior truth of time and place, of names and particulars, by a faint and rude outline of real occurrences. But the mythological writers of the middle age were either monks, whose scanty learning was confined to foreign languages and events, or minstrels altogether unlettered, who adopted the legends of their monastic teachers. Hence it is, that, instead of explaining, we have been compelled to cut off the commencement of all the monkish or traditional history of modern nations. But it is altogether unreasonable to doubt the general fact of the existence of a chief, to whom British tradition has uniformly assigned the highest part in the long and memorable stand against the Saxons. That tradition relates to a domestic fact, and may be traced to no excessive distance from the time to which it refers. If genius could have saved our mythic history from the mortality incident to foreign legends, and from the more scrutinising criticism of modern ages, the heroic history of England might have spread as far, and lasted as long, as that of Greece. All our greatest poets have been led by the instinct of their genius to consider it as their proper mine. Shakspeare

CHAP. has borrowed from it the outline of a tragedy, which is, perhaps, more affecting than any other work of that most fertile and various of poets. Arthur, as the representative of a glorious defence of our native country, has more peculiarly attracted men of genius. The soft and beautiful fancy of Spenser touched on these themes before the events ceased to inspire the interest which depends on general belief. English poets, feeling their native soil to be a nearer tie than that which attached them to remote and unknown ancestors, did not inquire whether they were not themselves the progeny of those Saxons against whom they took a part. Milton himself had in his youth meditated an epic poem on the national and patriotic exploits of Arthur. Dryden had also chosen him as his hero. There was much in the theme to kindle all the fire of his genius; but there was also danger that the sympathy with success, and the dazzling influence of triumphant heroism, which have vitiated the morality of other great poets, might, in the progress of the work, have estranged the heart of Dryden from the unfortunate champion of his country. Pope did not prove his vocation for heroic poetry, by choosing as the subject of his projected poem the expedition of the imaginary Brutus; thus turning the ancient legends of his own country into an appendage to worn-out tales of classical antiquity, when no kindred race remained to triumph in the victory, or to commiserate the vanquished.

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ANGLO-SAXON PERIOD.

THE British islands seem intended to be the seat of maritime power. Their coasts are much more extensive, in proportion to their inland territory, than those of any other great and civilised nation. Their position on the globe stretching almost to the northern verge of that portion of it where the sea is open to navigation throughout the year, is peculiarly fitted to render their numerous mariners hardy, daring, and skilful. Had it been more southerly, these qualities would have been incompletely exercised: had it been farther north, some part of the year, now serving to train their seafaring population, would have been lost for that purpose. Their soil and climate neither withdraws nor refuses produce exchangeable by commerce for that of other countries. Their advanced position, as it were in the front of Europe, favours a disposition towards adventurous voyages and colonial establishments; in which, after a fortunate exclusion from the neighbouring continent, the genius and ambition of the people have found a vent with lasting, grand, and happy consequences to mankind. Popular government gives dignity to commerce. It promotes navigation, one of the occupations of the lower and middle classes, and is disposed to encourage the only species of military force which cannot be made the instrument of its own overthrow. Nor is it unreasonable to add, that the settlement of so many pirates in England, natives of every country from the Elbe, perhaps from the Rhine, to the North Cape, between the sixth and tenth centuries, may have contributed to beget those nautical propensities which form so conspicuous a part of the English character.

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The general movement of the pastoral or unsettled tribes, which roamed over the north, against the tillers of land and dwellers in towns who peopled the Roman empire, originated in the migration of the Huns, a Calmuck people, from their ancient seats in central Asia, and subsequently on the northern shores of the Euxine. Of this host of martial shepherds, the pressure easily set in motion the great mass of Germanic tribes, whose imperfect culture and appropriation of the soil had not as yet bound them to any permanent residence.

The first Germanic people which yielded to the impulse were the Goths, who claimed a Scandinavian origin, but whom history can clearly trace only to the countries between the Danube, the Vistula, and the Euxine. In the beginning of the fifth century, the Visigoths, or Western-Goths, broke into Italy and reduced Rome, but soon after turning their arms to Gaul and Spain, founded a powerful monarchy, extending from the Loire to Gibraltar. They were expelled, however, about a century after, from their possessions in France, with the exception of Languedoc, by Clovis, at the head of the Franks, who, in the latter years of the fifth century, had established himself in the north-western part of that country, and whose successors, by the reduction of the Burgundians, a Vandalic people, who had conquered the north-eastern portion, once more united as a whole the greater part of Gaul. The Visigoths, after their expulsion from the south of France, preserved their authority over Spain, till their total defeat by the Moors. The Vandals, a people originally settled between the Oder and the Vistula, forced their way through Gaul and Spain into Africa, where their power continued for a century, till overthrown by Belisarius. The Ostrogoths, or Eastern-Goths, having acquired the sovereignty of Italy, under Theodoric, retained it, till it also was recovered by the generals of Justinian.

It has already been remarked, that the invasion of

Britain was made by sea, and that its slow progress was owing to that peculiarity. The early contests of the Saxons with the Britons appear to have been confined to Kent. Fifty years had elapsed before two petty principalities were established by the invaders, the one by the Jutes in Kent, the other by the South-Saxons, on the borders of Sussex. It was not till fourscore years after their first disembarkation, that Cerdic, at the head of the West-Saxons, made a lasting impression on the Western-Britons in a series of battles, in which the valiant Arthur was probably his opponent. And it was considerably more than a century, before the country from the Humber to the Tweed, and probably onwards to the Frith of Forth, was reduced by the Angles under two principalities, known in our history by the Latinised names of Deira and Bernicia, of which the union at a later period formed the kingdom of Northumberland.

Even after the establishment of the Angles in Mercia, comprising the central part of England, the whole western portion of the island continued to be held by the Celtic race. Cornwall, North and South Wales, Cumberland, and Strathclyde, were still retained by the Kymbrie, or Cambrian Britons. Eight Saxon principalities occupied the rest of England; which, from the union of the two Northumbrian principalities, came to be considered as seven. From this circumstance, as well as from some loose alliance among them, the period of these governments has been called by our writers "the Heptarchy." In the wilds of Caledonia, there were, at least, two independent tribes, the Scots, beyond all doubt of the same race as the Irish, and the Picts, of disputed origin, but in regard to whom the early and universal prevalence of a Teutonic language in the north-eastern plains of Scotland seems to render it probable, that they were Teutons, either of the Germanic or the Scandinavian branch. It will not

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be wondered at that every thing relating to this last tribe should be involved in thick darkness, to those who consider that they ceased to be a nation, and became, by conquest or succession, subjects of the Scottish princes in the early part of the ninth century, a time when nothing is known of the internal revolutions of Caledonia.

The island of Great Britain was thus, about the year 700, divided among fifteen petty chiefs, waging fierce and almost incessant war against one another. The ties of race were gradually loosened: the German invaders spilt their kindred blood as freely as that of the native Britons. Of a period so uncivilised the events scarcely deserve to be known, and there are few means of ascertaining them. A uniform succession of acts of treachery and cruelty ceases to interest human feelings. Not only compassion but indignation is worn out; and, as the sufferer would be a tyrant if he could, it becomes difficult either to pity him, or to blame the oppressor in the degree that, in better times, nature would dictate, and morality require. There are crimes enough in the happiest ages of the world to exercise historical justice; and it can scarcely be regretted that our scanty information respecting the earliest period of Saxon rule should leave it as dark as it is dismal.

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Christianity brought with it some mitigation. The arrival of Augustine in Kent, with forty other missionaries, sent by Gregory the Great, is described in picturesque and affecting language by Bede, the venerable historian of the Anglo-Saxon church. It cannot be doubted that the spectacles of men, exposing themselves to a cruel death for the sake of teaching truth and inspiring benevolence, could not have been without effect even among the most ruthless barbarians. Liberty of preaching, the only boon for which they prayed, Ethelbert, king of Kent, who had married a French princess who was a convert to Christianity, freely bestowed upon them. They found both the Christian

religion and the British language extinct where the Saxons had taken possession; a tremendous proof of the ferocity of the warfare which had been raging for a hundred and fifty years.

With the clergy of the British principalities, however, they were speedily engaged in a controversy about the time of keeping the great festival of Easter, wherein the British differed from the Western Church and the see of Rome. Despairing of healing the schism by reason, we are told by Bede, that Augustine proposed to leave it to the determination of God, agreeing that the party which should perform a miraculous cure should be considered as having received the sanction of heaven. Augustine cured a blind man, but without the immediate removal of ancient prejudice. Many such miracles, however, are related, to which happier consequences are ascribed; nor ought the veracity of the narrators to be undistinguishingly assailed, when it is considered that they lived at a time when the belief in miraculous powers was universal. A man of good understanding might easily attribute to his own prayers, or still more to those of persons whom he valued more than himself, recoveries which immediately followed them. As the miraculous facts are seldom related by professed eye-witnesses, many of those narratives may be accounted for by the insensible progress of exaggeration, without either assenting to the miracle, or disputing the honesty of the historian. A just conviction, moreover, of the excellence of the cause in which they were engaged would dispose them the more readily to believe that Providence had interposed in its favour. One of the greatest men of the eighteenth century * has intimated his opinion that such interposition might actually have occurred. Whoever ascribes the order of nature to a Supreme Mind must, indeed, believe it to be possible for that Mind to suspend or alter the course of events

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But there is probably no miracle of the middle age requiring any other confutation than the simple statement of the imperfection and inadequacy of the testimony produced in its support.

No form of Christianity was likely to have refrained from sanctioning a doctrine so agreeable to general feeling in a zealous and ignorant age, as the continuance of miraculous powers. The doctrine does not appear to have any necessary connection with the properly theological tenets of the church of Rome. Many Protestants were, some perhaps still are, favourable to it. Probably no Protestant establishment has ever expressly renounced it. It was the peculiar misfortune of the Roman Catholic church, that, however disposed some of its most distinguished members might have been to suffer such claims to slumber and die out, their precise and rigid definitions of the infallibility of their church have placed the character of their religion too much at the mercy of every ignorant, credulous, or fraudulent catholic, seeking to persuade himself, or others, that he possesses those powers which the universal church cannot strongly condemn without renouncing high pretensions which she once unfortunately sanctioned.

One Saxon state appears to have generally aimed at, or attained, an undefined ascendancy over the others. Though the authority thus exercised was necessarily fluctuating and irregular, yet the holder for the time being had a distinctive appellation in the Anglo-Saxon language. He was called, as by an official title, Bretwalda, or wielder of the Britons, for so they soon learned to style themselves. Seven chiefs had filled this station during three hundred years:—a king of the South-Saxons, one of the West-Saxons, one of Kent, one of the East-Angles, together with three successive kings of Northumberland. Things were evidently tending towards a regular and hereditary magistracy, but in whose hands to be vested, the power of arms, which had

transferred it from province to province, was now finally to determine.

In the beginning of the ninth century, Egbert, king of Wessex, who had long lived at the court of Charlemagne, acquired great authority over his co-potentates, though contented with the title of king of Wessex, and the dignity and influence of Bretwalda. He was the lineal descendant of Cerdic, founder of the kingdom of Wessex, the most noble and powerful of the Saxon chiefs, the legendary descent of whose family from Odin, the deified hero of the North, ranked him among the progeny of the gods. It was his fortune to become the common ancestor of all the dynasties which have since filled the throne of England. This eminent place in history, or genealogy, has given more of the appearance of a revolution to his accession than in reality belongs to it. The chief alteration consisted in confining the supremacy to the royal line of Cerdic. As there had been a series of Bretwaldas for centuries before his time, so there continued to be subordinate kings till long after. The disobedience of the latter, indeed, was gradually more and more considered as rebellion by the kings of Wessex ; but by their own partisans it was still regarded as a continuation of the ancient struggle for superiority, in which neither party was inferior in point of right. Having reduced Essex, Kent, Surrey, and Sussex, aided the East-Angles of Norfolk in transferring their allegiance from the Mercians to himself, and in four years more subdued Mercia itself, his authority as Bretwalda was acknowledged in all the provinces southward of the Humber. To the Northumbrians, however, he seems to have granted milder terms of dependence. Mercia continued obedient for a very short period, and the Welsh afforded constant exercise to his arms. At his death he weakened the power of his successor, and lessened the influence of the Bretwalda, by bequeathing all his dominions, except Wessex, to a younger son.

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No sooner had Egbert made some approaches towards regular government, than a new and fiercer race of piratical barbarians, unsoftened by Christianity, after a pause of two centuries, appeared again in England, which they continued to ravage for nearly two centuries more. They were Scandinavians, known in France under the name of Normans, and in England by that of Danes. They had scarcely any natural inducement to spare countries which they visited only to plunder, and on which they did not hope to dwell. Having neither kindred, family, or home, they were liable to no retaliation. They were, perhaps, the only barbarians who applied their highest title of magistracy to denote leaders of piratical squadrons, calling them "Vikings," or Sea Kings. Not contented with their native and habitual ferocity, some of them, called "Berserker," sought to surpass their comrades by working themselves into horrible and temporary insanity. Among these men, tears, regarded by all others as a badge of humanity, were foresworn as a disgrace. In their first incursions they are mentioned by the Saxon chroniclers under the general name of "Heathens," — a description which, probably, conveyed the deep horror of the former more faithfully than any other. Scorned by the men of the North as unnatural and cowardly apostates, it was natural that the Saxons, still actuated by the zeal of recent converts, should regard the paganism of their plunderers with peculiar horror. The rich monasteries in which treasure was accumulated became their most attractive objects of plunder; and the convents were the scene of those unspeakable indignities which may be expected to flow from the excitement of all evil passions in ferocious savages. During the government of Ethelwolf, the son of Egbert, and of two of Ethelwolf's sons, English history is little more than an account of their atrocities. The next reign opened inauspiciously; but its extraordinary character requires

that it should be separated from the obscure barbarism which preceded and followed it.

Alfred, the greatest of princes, the third son of Ethelwolf by a noble Saxon lady, Osberga, was born at Wantage in Berkshire, in 849, and succeeded his elder brother in 871. In the fifth year of his age, he was sent with an embassy to Rome, for what reason is unknown. A few years after Ethelwolf carried him on a pilgrimage to the same city. On his return he visited Paris, where his father married Judith, daughter of Charles the Bald. Of all the practices which have been abused for superstitious purposes, none perhaps is more deserving of indulgence than pilgrimage, whether we consider it as flowing from affectionate remembrance of the wise and good, or as tending to open and enlarge the mind by intercourse with many, and frequently more civilised nations. The religious journeys of the Western pilgrims to Rome were in both respects to be honoured. These pilgrimages, and the society of his step-mother Judith, probably contributed to unfold his natural character, as the banishment of Egbert to the court of Charlemagne had contributed to raise that monarch above his competitors. Of Alfred's boyhood some scenes are preserved by his artless biographer, Asser, a monk of St. David's, which interest us more than the contemporary conquest of Europe would have done. Though he had reached the age of twelve before he had acquired an art then so rare as that of reading, he was delighted with listening to the Anglo-Saxon songs. Holding in her hand one day a volume of these poems, in which the beautiful characters pleased her husband's children, Judith said to them, "I will give this to the one among you who first learns to read it." — "Will you?" eagerly inquired Alfred, though the youngest. "Yes," said she, with a smile of pleasure. Suddenly snatching the volume out of her hands, and running to a school-master, he in no long time read, or recited it, to

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her. But his great soul was roused by the love of letters, not unmanned by it. He served with distinction in the numerous bloody battles fought between his brother and the men of the north.

Alfred's accession fell on the most troublous times. Only five years before, Rollo had established his followers under a sort of civil government in a part of Neustria. Alfred was chosen in preference to his nephews on account of a warlike spirit, which, however the moralist may blame its excess, was undoubtedly suited to the moment. In the early years of his reign, Mercia and Northumberland, which obeyed him mediately and imperfectly, being ill defended by their respective chiefs, were overrun and nearly laid waste by the invaders, who were thus enabled to turn their whole force against Wessex. Though compelled to make two disadvantageous treaties, with men by whom no treaty was regarded, he persevered in making a stand against his innumerable enemies. Wave after wave incessantly lashed the British shore. Armies traversed the country from Thames to Tweed, abiding in one place only till they had consumed its entire resources. The Northumbrians, says the ancient chronicler*, "became their harrowers and ploughers." The spirit of the West-Saxons was at last worn out. The Danes, breaking through the line of defence at Chippenham, overran the whole country, driving many into exile beyond sea, and subduing the rest to their will. "All," says the same chronicler, "but Alfred the king." He, unconquered, taking a few noble Saxons, established himself in the centre of a morass, surrounded by bogs and forests, in a spot still called the Isle of Athelney, or "Isle of the Nobles," where he remained for a time, seemingly forgotten, as well as deserted. Here he experienced one of those sudden and total eclipses of fortune which

* Sax. Chron., A. D. 876.

bestow a poetical lustre on heroism, putting genius to the test by reducing it to its own resources. Though he is said to have been obliged so to disguise himself as to have been roughly reproved by the wife of a cowherd for neglect in toasting her cakes, he began even in this low condition of his fortunes to revive the spirit of his followers; striking blows at small parties of the enemy, who, ignorant of his existence, looked at them as if they had fallen from an invisible hand. He is even said to have visited the Danish camp in the disguise of a harper, remaining in it three days, examining its approaches and disposition, and ascertaining the inattention and disorder of which the impunity of his own visit afforded a sufficient proof.

Alfred was not long in issuing from his fastness. He was received by his oppressed people with enthusiasm, increased by the mystery of his retreat and return. They flocked to his standard in such numbers as to enable him to take the enemy by surprise, to whom he made his existence known by a successful attack on the borders of Selwood, compelling Guthrun, the Danish chief, to evacuate the territory of Wessex, and to receive from him as conqueror, the country to the north of the Thames, and to the east of the Lea and Watling Street, as far as the Ouse, together with a part of depopulated Northumberland. This last grant, in which the supremacy of Wessex seems to have been acknowledged, may be considered as an attempt to cure, by agricultural settlement, the plundering habits of the roving pirates: nor does it appear to have been altogether unsuccessful. The chief condition of the treaty was the submission of Guthrun to baptism, a concession at least humbling to the pagan chief, and destroying the cement binding him to Scandinavia; in both respects impairing his strength and contracting his resources.

During the remainder of Alfred's reign, the Anglo-Saxons were rather disturbed and vexed, than endan-

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gered, by the Danish power. For fifteen years after his restoration, England enjoyed universal repose. In the latter part of his reign, however, he experienced new and formidable hostilities from an invasion conducted by Hastings, the most renowned of the piratical heroes; which afforded scope for the virtues, as well as the abilities of Alfred. He set free the wife and sons of that famous freebooter, who had been taken prisoners. "He caused vessels to be built twice as long as those of the enemy, both steadier and swifter, as well as loftier, not formed after the Frankish, or Frisian model, but as he himself thought they might be most serviceable."* For his cultivation of the ornamental arts did not blind him to the dignity of the useful ones. He devised means for measuring time in order to improve it; and was on this occasion the first improver of ship-building, and the founder of a naval force in England.

He continued to compose Anglo-Saxon poetry throughout the whole of his busy life. His taste for literature grew up in a state of gross and general ignorance. "When I took the kingdom," says he, "very few on this side of the Humber, very few beyond, and not one that I recollect south of the Thames, understood the Latin service, or could translate a letter from that language into English."† To remedy this evil Alfred brought together such scholars as the time afforded, among whom his biographer, Asser, was conspicuous. Envyng their knowledge of Latin he, in his thirty-eighth year, acquired that language sufficiently to translate Bede, the only book of Saxon history then extant; Orosius, to whose text he added information of his own respecting Germany and the North; and Boethius, whose representations of the natural equality of men, and invectives against tyrants, he, with at least as generous a spirit as his author, rendered into Anglo-Saxon verse. Education he en-

* Sax. Chron., A. D. 897.

† Gregory, Preface to "Pastoral Care," Asser, p. 81.

forced, by refusing to promote the uneducated ; and, at an advanced period of his reign, he who was called by his biographer “the Truth-teller,” thanked God that those who sat in the chair of the instructor were then capable of teaching.

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In any age or country such a prince as this would be a prodigy. Perhaps there is no other example of a man so happily combining the magnanimous with the mild virtues, joining so much energy in war with so remarkable a cultivation of the useful and beautiful arts of peace, and whose versatile faculties were so happily inserted in their due place and measure, as to support and secure each other, giving strength and solidity to the whole character. That such a miracle should have occurred in a barbarous age and nation ; that study should have been thus pursued in the midst of foreign and domestic wars, by a monarch suffering almost incessantly from painful maladies ; and that all this should have so little encroached on his due performance of the duties of government as to have left him for ages the popular model of exact and watchful justice, are facts so extraordinary, that they may well excuse those who have suspected that there is some exaggeration and suppression in the narrative. But Asser writes with the simplicity of an honest eye-witness. The Saxon Chronicle is a dry and undesigning compend. The Norman historians, who seem to have had his diaries and notebooks in their hands, choose him as the glory of the land which had become their own. There is no subject on which unanimous tradition is so near being sufficient evidence, as on the eminence of one man over others of the same condition. The bright image may long be held up before the national mind. However paradoxical the assertion may appear, this tradition is, in the case of Alfred, rather supported than weakened by the fictions which have sprung from it. Though it is an infirmity of almost all nations to ascribe their institu-

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tions to the contrivance of one man, rather than to the slow action of time and circumstances, yet the selection of Alfred by the English people as the founder of all that is dear to them, is surely the strongest proof of the deep impression left of his transcendant wisdom and virtue. The institution of juries, the division of the island into counties and hundreds, the device of frankpledge, the formation of the common, or customary law itself, could have been attributed to him by nothing less than deep and universal reverence. How singular must have been that administration, of which the remembrance so long procured for him the character of a lawgiver, when his few and general enactments so little entitle him to that character.

Had a stronger light been shed on his time, we should have undoubtedly discovered in him some of those characteristic peculiarities, which, though always defects, and generally faults when they are not vices, yet belong to every human being, distinguishing him from his fellow-men. The disadvantage of being known to posterity by general commendation, instead of discriminating description, is common to Alfred and Marcus Aurelius. The character of both these ornaments of their station and their species seems about to melt into abstraction, and to be, not so much portraits of living men, as models of ideal perfection. Both furnish a useful example that study does not disqualify for administration in peace, or vigour in war, and that scrupulous virtue may be combined with vigorous policy. The lot of Alfred forbade him to rival the accomplishments of the imperial sage. But he was pious without superstition; his humbler knowledge was imparted with more simplicity; his virtue was more natural: he had the glory to be the deliverer, as well as the father of his country; and he escaped the unhappiness of suffering his authority to be employed in religious persecution.

Alfred died on the twenty-sixth of October, in the

fifty-third year of his age, and the thirtieth year of his reign.

The period of a century and a half which elapsed between the death of Alfred and the permanent establishment of a foreign family on the throne of the Anglo-Saxons, is occupied by the reigns of fourteen kings, of whom ten were of the royal family of Wessex, and of the posterity of Alfred : three were Scandinavians, who, during thirty years, mastered their Saxon neighbours : and one was a powerful lord who paved the way for the Norman invader by the assumption of the crown without descent from Cerdic, or the fabulous pedigree from Odin. There are few events in this period which can be particularly related in so brief a narrative as this. It was distinguished, however, by some remarkable transactions, of which, as they were productive of lasting and grave consequences, a summary statement is necessary. These are, principally, the rise and progress of the ecclesiastical power in spite of divisions among the clergy ; the efforts of the Scandinavians, who had colonised the northern and eastern counties, to wrest the remaining ones from the house of Wessex ; and the gradual connection and intercourse with Normandy, silently preparing the Saxons for the change of dynasty that ensued. As this revolution in the reigning family was followed by extensive mutations in laws, language, property and manners, it will be proper to close this period by a short account of what may be asserted with probability on the dark and disputed subject of Anglo-Saxon government and society.

The only institution of the civilised Romans, which was transmitted almost entire into the hands of the barbarians, was the Christian church. However imperfect conversion of the latter might be, it was still sufficient to guard this venerable establishment from overthrow. The bishops succeeded to much of the local power of the Roman magistrates. The inferior

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clergy became the teachers of their conquerors, being the only educated men in Europe. The episcopal authority afforded a model of legal power and regular jurisdiction, which must have seemed a prodigy of wisdom to the disorderly victors. The synods and councils of the clergy afforded the first pattern of elective and representative assemblies, the same which, adopted by the independent genius of the Germanic race, and preserved for so many ages by England, promises in the nineteenth century to spread over a large portion of the globe. The ecclesiastics alone had any acquaintance with business: they alone could conduct the simplest affairs with regularity and order: they alone were the interpreters and ministers of all laws and customs. To these powerful means of influence is to be added the inexhaustible credulity of the superstitious barbarians, disposed to yield a far blinder deference than the enquiring Romans had ever paid to their priesthood. A gorgeous worship dazzled nations capable of being impressed only through their senses. Their pretensions to miraculous power lent the clergy extensive aid, for which they were one day to pay a high price in the general unbelief to which these pretensions gave rise in less docile and acquiescent times. All the other institutions of the Empire were worn out. Christianity, however altered in its doctrines, was still a youthful and vigorous establishment; and the power which it speedily exercised in blending the two races, by gradually softening the ferocious courage of the Germans so as to render it capable of union with the reviving spirit of the Roman provincials, afforded an early instance of its efficacy in promoting and securing civilisation. It must be added, that the Christian clergymen of that age were far superior to their contemporaries in morality, which never fails in the end to resume its natural authority over the most barbarous, and even the most depraved. By these and the like

means, the clergy were raised to an extraordinary influence. At first the benefits of their power outweighed its evils. It was long of doubtful advantage, and had it not been checked, it would have proved in the end fatal to the exercise of reason, and to the authority of civil government.

The contests of the state with the see of Rome belong to a later period. It is only necessary at present to remark, that to their communion with the patriarchal church, which, from the earliest period, had been venerated as the mother of the Western churches, the European clergy were indebted for the uniformity of opinion, the occasional infusion of some scanty knowledge, and the unity of means, as well as identity of purpose, which converted them into a well-disciplined army, whose most distant movements corresponded with, and supported each other.

The imposition of celibacy on the Western clergy, scarcely completed before the ninth century, requires some attention, on account of its influence in England, and affords general instruction, as an example of the extent to which the effect of regulations disappoints human expectation. The writings of the earliest Christians contain general panegyrics on celibacy, irreconcilable with reason, though excusable perhaps in an age when the moral relation of the sexes, of which the principle is even at this day so little understood by many who most feel the obligation, was so unsettled, as continually to vibrate between the extremes of extravagant austerity and gross licentiousness. Naturally and seasonably the apostles advised their brother missionaries, and even their defenceless followers, to forbear from giving such hostages as wives and children to their merciless persecutors. In more secure situations, it was not without apparent reason imagined, that an unmarried clergy would have more means of succouring their brethren, more leisure for their studies and their

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duties, a heart less diverted from religious feeling by worldly cares, than one encumbered by domestic ties, and, by holding out a single example of a constant victory over their passions, might add force and weight to their exhortations. The peculiar antagonism of Christian morals to sensuality promoted the observance of celibacy, giving rise to dangerous exaggerations. Some were so misguided as to interpret language, intended only to lift the soul from the bondage of the senses, as a discouragement of those unions which are a discipline of humanity. Celibacy was first celebrated as a virtue: it was then enjoined on priests as a moral duty: before the end of the fourth century, by some churches it was enforced as a rule of ecclesiastical discipline. Some councils had forbidden the ordination of men who were married candidates; and marriage after orders seems to have been generally blamed from the middle of the fifth century. The general practice of the West resembled the present practice of the Greek Church, among whom bishops are interdicted from wedlock, and priests allowed only to keep such wives as they had espoused before ordination. A virtue prized so highly by the fathers of the church,—a duty of which the observance seemed to add to the dignity and authority of religious instruction, came to be esteemed one of the most sacred and venerable of ecclesiastical usages, long before it was raised to the character of a universal law.

It soon, however, afforded an example of the vanity and peril of stretching the rules of duty beyond the boundaries of nature. Several sects in the first and second centuries of Christianity had passed through visions of perfection to manners the most licentious. The compulsory celibacy of the clergy drove them into the same road, though it did not push them so far. The prohibitions of councils every where attest the prevalence of concubinage; which, in many countries, was considered as a sort of inferior marriage, and which the clergy had

many means of concealing, or of speciously disguising. In the West, it was altogether impossible that a body of men, newly forbidden to form connections, which all around them cherished, and which had been once regarded by themselves as lawful and sacredly binding, untrained to subdue their passions, and remote from the inspection and censure of all whose disapprobation they dreaded, should not abuse their boundless power over the ignorant, uninquisitive, and submissive people, by the indulgence of a profligacy still more undistinguishing than concubinage. The manners and morals of the European clergy may be in some measure estimated from the state of Rome in the ninth and tenth centuries, under a succession of popes, either pageants, or monsters, and commonly owing their rise or downfall to crime. The unnatural restraint, thus ending in a general dissolution of manners, had also the effect of strengthening the ecclesiastical power, and of tempting the clerical leaders to abuse it. They soon perceived that, by excluding the clergy from marriage, the latter's connection with society was loosened, and the affections which might balance their attachment to the interests of their order, weakened. Domestic relations no longer restrained the ambition of a body, whose members throughout Christendom were already linked together by stronger ties than those uniting them to their countrymen, and more firmly attached to the papal throne than to that of their native sovereigns. Thus it appears that an institution, formed by pure feelings, was seized by ambition as one of its most effective instruments; that the pursuit of unattainable austerity terminated in unbounded licentiousness; and that those who were appointed to preach peace and charity became turbulent and insatiable usurpers. It is not to be forgotten however that, during the whole of this corrupting process, the result was mightily aided by those arts of self-delusion

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sion, which brought the clergy to regard the power of their body as the only restraint on lawless violence, and to believe that their own grandeur was inseparable from the promotion of religion and the well-being of society. The struggle at that time often was, and perhaps generally seemed to them to be, between those who appealed only to brute force, and those who professed to derive their power from law, morality, and religion. The clergy condemned in others those crimes of ambition which they scrupled not to perpetrate themselves, always with scandalous inconsistency, but by no means with invariable insincerity. They became regardless of their duties, and by the scandal of their lives gradually lost much of their ascendancy over the people. The eyes of the most ignorant began, in time, to be opened. An event then occurred which has since been repeated several times among the nations of Christendom.

The religious principle, when deprived of its nourishment by lukewarmness and indolence, still more when offended by open profligacy, calls up more zealous and active labourers to supply the place of a vicious, or even of a cold and formal, clergy. Such substitutes in the times of which we speak were found in the Monastic Orders. Those singular bodies originated, as is well known, in that passion for the undisturbed and solitary contemplation of supreme excellence, which in the early ages of Christianity peopled the deserts of Egypt with pious hermits, and which had even before the era led some of the more devout and contemplative Hebrews into the same seclusion. But the Christian recluses sought a solitude more impenetrable than the Essenes, adopting a system of self-discipline of which the systematic continuance was less dependent on themselves than the austerity taught by Philo to his Alexandrian followers. The very place of their retirement involved rigorous privation, excluding all the ordinary opportunities of vice; and new means were added of extinguishing every

appetite which could disturb their exclusive devotion to the contemplation and worship of God. Such practices, it was even then owned, might be unfit for adoption by mankind in general; but a chosen few, initiated in the high mysteries of their calling, and enured to pious exercise, might, it was contended, serve others, as well as secure their own salvation, by the pursuit of virtues too sublime for the multitude. About the middle of the fourth century, Pacomius and Antony collected these together in monasteries; binding them to perseverance by vows; prescribing laws for their good government, and establishing superiors, to be elected by the monastic community, but armed with power to protect the religious from their own infirmities. From that time their life began to be considered as more holy than that of a secular clergy; and the longing for inaction, which easily steals on us in the languor of a sultry climate, contributed to increase their number. Such of the Christian fathers as visited these solitudes spread everywhere the praises of a life so sacred, and a repose so serene. Monasteries gradually arose in inhabited countries; at first in sequestered spots, where the industry of the monks reclaimed the land, and set the first example after the Teutonic conquest of well-conducted husbandry. The first celebrated monastery of the West was that of Monte Casino, in the Neapolitan territory, founded about the year 530, by Benedict, a native of Murcia, in the Apennines, who gave laws to his new order. They spread rapidly in the West, venturing at length to settle in towns, where their inmates might, by their severe rule, be guarded from the contagion of the world, while their instruction and example might be beneficial to less perfect Christians. At first the monks were mere laymen; and holy orders were rarely, if ever, conferred on them. Nearly a century and a half after the first collection of the Egyptian hermits, Gregory the Great, himself a monk and historian of the life and mira-

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cles of St. Benedict, though he allows that priests may sometimes become monks, and monks receive holy orders, yet considers both cases as exceptions: declaring the spirit of the Church to be, that clerks, being intended for the public service, should not retire from it into monasteries; and that monks should not come among the clergy, as having bound themselves to live in profound retirement. But, in spite of the jealousy of the secular clergy, and of the frequent decrees forbidding preaching, or administering of the sacrament, by monks, the sanctity of their lives, their better discipline, and their superior education, gained them a general estimation, which called them to the pulpit and the altar.

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In this controversy originated the first ecclesiastical dissensions among the converted Saxons. They did not break out in the reigns immediately following Alfred. For more than fifty years our scanty information is confined to wars with the Celtic tribes, or with the Danish colonists or invaders. Under Edward the Elder, the son of Alfred, the most remarkable person was Ethelfleda, the king's sister, on whom the mantle of her father had descended. She is called "The Lady of Mercia" by the ancient chroniclers, having, during the greater part of her brother's reign, ruled that extensive province with an equal character for valour and wisdom. On the death of Edward, he was succeeded by Athelstan, the son, probably, of a concubine; who however found in that circumstance no serious obstacle to his succession.

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Against this warlike prince a confederacy was formed by the Britons who occupied the western coast, by the Scots, and by the Danish inhabitants of the eastern coast from the Thames to the Tweed, aided by adventurers of the same race from Ireland, and by crowds of freebooters from Scandinavia. These he completely routed at a place called "Brunnanburgh," of which the situation is unknown. His victory was celebrated in an Anglo-Saxon poem, still extant, the earliest of the few

metrical materials for English history ; the remembrance of which has been preserved by the renown of the battle in the legends of the defeated Scandinavians. By the Saxon annalists it was adopted as a literal statement of fact ; and Latin versions of it were inscribed in the writings of the Anglo-Norman historians. A translation, made by a schoolboy* in the eighteenth century, into the English of the fourteenth, is a double imitation, unmatched perhaps in literary history ; in which the author gave an earnest of that faculty of catching the peculiar genius, and preserving the characteristic manner of his original, which, though the specimens of it are too few, places him alone among English translators. The battle of Brunnanburgh was followed by the subjection of the Danes in the north and east, and by such submissions from the Scottish and British chiefs, as might justify Athelstan in assuming the title of king of Britain instead of king of England ; though the former appears to have been occasionally used by Alfred also. His reputation spread through the whole of Christendom. His sister, the queen of France, with her son, afterwards restored to a nominal royalty in that country, found an asylum for twenty years at his court. Haaco, king of Norway also, and Alan, king of the Armorican Britons, received shelter at his hand, and were ultimately restored by his aid and influence. With Athelstan, the vigour of the West-Saxon government expired. The subsequent reigns of Edmund the Elder and of Edred, the legitimate grandsons of Alfred, were passed in resistance ; with various success, to the revolts and invasions of the men of the north.

Though religious men had been collected in monasteries in Britain from the time of Augustine, there is no satisfactory evidence of any monastic rule, either there or in any part of the West, more ancient than that of

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* The Right Hon. J. Hookham Frere :—see Ellis's *Specimens of English Poetry*, vol. i. p. 52.

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 son of Edmund the Elder, that the monks began to signalise themselves as a zealous, powerful, and ambitious body. Dunstan, their leader, one of the most conspicuous personages in Saxon history, after being long an object of unmingled panegyric among monastic writers, who alone had leisure and learning for the composition of history, has latterly been treated with unwarrantable severity. Of noble birth, and said to be connected with the royal family of Wessex, he embraced the rule of St. Benedict with the same ardour which he had formerly shown in the business and pleasures of common life. His temperament was that of most zealous reformers, who have been exasperated by resistance and persecution: his disinterestedness and austere manners disposed the multitude to applaud the harsh discipline which he enforced, and the cruel chastisements which he countenanced. There is no reason to suspect his sincerity; but the extension of his own power, and that of his order, doubtless mingled itself with his higher zeal; and the secret enjoyments of pride and ambition soothed the irritation which the renunciation of pleasures more openly immoral is apt to beget in passionate natures. To be very scrupulous in the choice of means is a rare virtue in such enterprises, in such times, and in such characters. It is unjust to make him answerable for the miracles which the credulity of his admirers has ascribed to him.

946. Having fallen into disgrace in the reign of Athelstan, Dunstan regained his influence in that of Edmund; and at an early age became the chief counsellor of Edred, the last grandson of Alfred. To enforce clerical celibacy—to reduce all monasteries to the rule of St. Benedict, and to expel all the married clergy at least from canonries and prebends, that they might be succeeded by Benedictines, were the three main objects of his ecclesiastical policy. The result would have been the conformity of the English clergy to the law and usage of

Christendom. Unless the clergy conformed to the first two regulations, their conduct seemed to be altogether set free from rule. To Dunstan it must have appeared as if he was engaged in a contest with licentiousness struggling to throw off the laws which restrained it. It is to be remarked, however, that the unnatural interdiction of marriage is admitted to have fallen into inobservance since the Danish wars, which had continued for more than a century. As many parts of England had been converted not long before that time, it is unlikely that the ancient liberty could have been so soon extirpated. The prohibitions and censures lavished on clerical marriages in the earlier times of the Saxons, if they prove the illegality of such unions, at least equally attest their prevalence. A natural liberty, thus sanctioned by the general usage of more than a century, and by many examples in former times, must have been considered, by a clergy not prone to historical or legal inquiry, as an established and inviolable right. The monks, who had enjoyed uncontrolled liberty, shrank from a foreign and unknown rule; and it seemed unjust to deprive the secular clergy of their revenues, on the permanence of which they had formed their plans and habits of life. But the reformer was too impetuous, or too ambitious of the honour of completing his own reformation, to submit to the gradual execution of his projects; though, if abruptly carried out, they must have cruelly affected the great mass of churchmen, reducing numbers of women and children to shame and beggary. Some progress was made in the reign of Edred; but in that of Edwy, or Edwin, the great-grandson of Alfred, he met with formidable resistance, and became involved in transactions which have rendered his character a subject of doubtful disputation ever since. This prince had either formed an illicit connection, or contracted a marriage forbidden for consanguinity, with Elgiva, a lady of whom he was so enamoured, that, on the festival

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 450 went to her chamber. Dunstan rushed after him, break-
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 with an unseemliness probably more displeasing to the
 feelings of refined men than to the angry and heated
 spirits of the Saxon nobles. Incensed at this outrage,
 Elgiva, whether wife or mistress, procured his banish-
 ment. During his absence, however, Odo, archbishop of
 Canterbury, sent armed men, who, tearing her from her
 husband's palace, carried her a prisoner to Ireland, where
 her face was branded with red-hot irons, in order to de-
 stroy her fatal attractions. But her wounds soon healing,
 she returned in all her beauty; but, being found at
 Gloucester by bands of the opposite party, was hamstrung
 by them in such a manner as to cause her death. There
 appears no proof that the archbishop, far less Dunstan,
 who was in Flanders at the time, had given any orders
 for these atrocities; which, however, were perpetrated
 by their adherents and praised by their encomiasts.

959. Edgar, the second son of Edmund the Elder, sup-
 ported by the Northumbrians and Mercians, made war
 against his unpopular brother. The contest ended in
 a sort of partition, which left only the territory south
 of the Thames to Edwin;—whether with any nominal
 acknowledgment of the superiority of Wessex is not
 known; for though Edgar was styled king “of Mercia,”
 it was common in that age to apply the term “king” to
 subordinate as well as to paramount chiefs. The death
 of Edwin, however, occurring soon after, opened to Edgar
 the peaceable possession of the whole Anglo-Saxon
 territory, who, embracing the cause of the monks, re-
 called Dunstan from exile, made him his chief adviser,
 and raised him to the see of Canterbury; a station in
 which he carried on his designs with redoubled vigour.

Edgar's successful wars and insolent triumphs made
 the government of his minister popular. For the world

is not even yet so wise as to consider such success dishonourable in a minister, even though he should be an archbishop. The manners of the king, in spite of his zeal for the church, were openly licentious. On one occasion, when he had carried away a nun from her convent to be his concubine, Dunstan interfered with a courage which absolves him from the charge of reserving his reproofs for his inferiors or enemies; though the severity of the penance prescribed may awaken suspicion that he was not displeased at so fair an opportunity of humbling temporal greatness. Two national synods were held at Calne and Winchester; during the former of which, when Dunstan, in a debate with the seculars and regulars, declared "that he should commit the cause of the church to God," the floor where his opponents stood gave way, while the part which he, and perhaps also his partisans, occupied, remained uninjured. If Dunstan interpreted what was only an accident into a Divine judgment, he was guilty of a presumption which has been too frequently copied by Christians of all parties. But a belief, however arrogant and uncharitable, that Providence interposes for the destruction of our enemies, implies no assumption of miraculous power. The notion that the whole was the result of previous concert and arrangement for the sake of working an apparent miracle, seems incredible. Too many men must have been concerned in it for secrecy; exact coincidence in time with the words of Dunstan was necessary to give it a miraculous character; and it made his own safety and that of his friends too dependent on a nicety in execution hardly practicable in much more favourable circumstances. At Winchester, a voice from a crucifix is said to have declared for him. Though contrivance on this occasion may have been more practicable, yet we must not charge him with such an imposture on no better authority than that of injudicious or unprincipled admirers. The occasional coincidence of an extraordinary

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accident with the denunciation of a zealot; the sudden deaths which occur in some distempers; the unaccountable recoveries in others which astonish the skilful; the illusions of sight; the shades by which dreams sometimes fade into waking visions; the disturbance of the frame from long abstinence, and from stimulants incautiously taken to relieve it; together with a permanent state of mental excitement, sanctioned by firm faith in the frequent and ascertainable interpositions of Divine power; are sufficient to relieve us from the necessity of loading the teachers of our forefathers with a large share of fraudulent contrivance and unmingled fiction. The progress of a tale of wonder, especially when aided by time or distance, from a small beginning to a stupendous issue, is too well known to be more particularly called in aid of an attempt to enforce the reasonableness of dealing charitably, not to say justly, with the memory of those who diffused Christianity, and tempered the ferocity of a barbarous age.

970. The second marriage of Edgar, if we may believe some of our ancient writers*, was attended with horrible consequences in his family, probably contributing to the downfall of the West-Saxon dynasty. Hearing much of the beauty of a young and noble lady, named Elfrida, he sent one of his earls, Athelwold, to examine into the truth of the report. The earl became enamoured of the beauty himself, and wedded her, representing her to the king as unworthy of his regards. Suspecting the truth, Edgar insisted on an interview with her, and, fascinated by her charms, caused Athelwold to be murdered, and became her husband.

975. On the death of Edgar, the succession was disputed between Edward, his eldest son, and Ethelred, the son of

* William of Malmshury, who might have known the counsellors of Edward the Confessor, relates the incident on the authority (not to be despised) of a Saxon song. The

same story is told by a later chronicler, called Brompton, at great length, and with particulars characteristic of barbaric manners.

Elfrida. The recommendation of the late king and the authority of Dunstan appear to have determined the election in favour of the former. During his minority, the country was distracted by disputes among the ecclesiastics. The chiefs of the greater provinces, as independent under their new titles of dukes and earls, as under their former designation of kings, took different sides. The ruler of Mercia expelled the monks: the chief of East-Anglia espoused their cause: Elfrida took the part of the secular clergy, in revenge for Dunstan's having secured the succession to Edward, and solemnised his coronation. Of this unfortunate prince the end was in the highest degree tragical. Hunting one day in the neighbourhood, he paid a visit to his brother at Corfe Castle, in Dorsetshire, the residence of Elfrida. She received him with apparent kindness; but, by her orders, at the moment when he was raising a cup of wine to his lips, he was mortally stabbed in the back. "No worse deed," says the old chronicle, "had been committed among the people of the Angles since they first came to the land of Britain."*

The reign of Ethelred was the saddest that the descendants of Alfred were to experience. All domestic broils and ecclesiastical controversies were forgotten in resistance to the attempts of the Northmen to seat their chiefs on the Saxon throne. For more than a century the latter had formed the bulk of the population of Northumberland and East-Anglia. In that long time they were gradually blended with their Saxon neighbours. The two languages, originally kindred, now melted into each other; so much so that we can trace no difference between them but in some change of style among the Saxons, and in some peculiarities of dialect subsisting still in the Danish provinces. The ancestors of both nations were of the same race, and might have been neighbours in their original seats. Possessing so large

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* Sax. Chron., 978.

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a portion of the country, and assured of aid from their Scandinavian brethren, the Danes were encouraged by the state of the Saxons to endeavour to give a king of their own race to England, which they had come at length to regard as their native land. In the mean time some degree of civilisation had begun to dawn in the North. The number of small chiefs who had covered the land with rapine and the sea with piracy, was reduced by the conquerors, who began to found considerable states. Piracy was abated and mitigated. It is even said that some generous adventurers, in imitation of the knights of the South, had established a species of maritime chivalry, devoting themselves to the protection of the weak against the remaining pirates. They were now on the eve of conversion to Christianity, and consequently of reception into the society of civilised nations. Scandinavia, however, still abounded with warriors, who regarded peace as a state of disgraceful inaction, and war as the sole theatre on which the human faculties could be nobly exercised. Their utmost reformation extended no further than to raise the object of their expeditions from the plunder of the defenceless to open war.

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In the earlier years of Ethelred, the struggle between the two races in England commenced. The superiority of the Saxons in arts and wealth was for a time counterbalanced by the inexhaustible aid drawn by their opponents from Scandinavia, now almost united under one king paramount. The Saxon people, though dispirited, continued faithful. But the defection and treachery of several of the provincial chiefs, especially of Elfric, earl of Mercia, seems to indicate a growing familiarity between men of rank in both nations, and a disposition to regard the war as the contest of two parties rather than two nations. Thrice did Ethelred purchase a momentary respite by large bribes, which, however, only served to insure their return. In the midst of these ignominious submissions, the archbishop of Canterbury, who was a

prisoner in the Danish camp, acted with a magnanimity more signal than that which patriotic fiction has ascribed to Regulus. He was offered his release for a moderate ransom, if he would only promise to advise Ethelred to give the invaders a large sum of money as a largess. "I have no money myself," was his reply, "and I will not advise the king to an act of dishonour." They continued to urge him, but he resisted their importunities, and even refused from his brethren the means of ransom, declaring that "he would not provide Christian flesh for pagan teeth by robbing his poor countrymen to enrich their enemies." Inflamed by intoxication, and impatient of further delay, the barbarians, dragging him before a sort of military council, cried out, "Gold, bishop, gold!" Finding him unshaken, they assailed him with bones, horns, and jaws, the remains of their feast. Falling to the ground half dead, he received a mortal wound from a freebooter whom he had himself baptized. Ethelred retained bands of Scandinavians in his pay; who, being of the lower classes, among whom national feelings are generally the strongest, were most likely to be borne along by the stream of their brethren. Their irruptions were so frequent, that many invaders were probably left by every northern squadron. Olave, king of Norway, canonised for having by no mild means converted his subjects, though he had been baptized by the archbishop of Canterbury, landed in England with a freebooting army; but, having received confirmation from Ethelred's prelates, thenceforward renounced these expeditions. Sweyn, the superior king of Denmark, however, rendered them formidable by taking the command of them himself.

The year 1002 was remarkable for the king's marriage with Emma of Normandy, which not long after became of historical importance; for a treaty or truce with the invaders, accompanied by a great largess, which could have been intended only to lull them into security; and for a

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royal order, while they were in that state, to massacre all the Danes, under the common pretence that the latter harboured the like design against the king and his nobles. The order could comprehend only the Danes in the Saxon territory: but within that territory it appears to have embraced them of every age and sex; and if it was less comprehensive in the event, this was owing only to those difficulties which often render the execution of extensive projects, good or bad, inadequate to the conception. The language of the ancient writers, in speaking of this massacre, is vague. Of its horrors a single fact may serve as a sample. Gunhilda, sister of Sweyn, king of Denmark, who had married an English earl, was put to death after her husband and child had been slain before her eyes. It is difficult to trace the secret links that unite cowardice with cruelty; but experience seems to prove, that, though the valiant are often not merciful, the pusillanimous, if forced into conflict, are apt to become ferocious:—whether it is that they find compensation for being humbled by the brave, in inflicting pain on the weak; or that they who feel most suffering from hostile collision naturally practise the most terrible retaliation; or that the consciousness of the disgraceful vice of cowardice renders men less sensible to the honour which generous minds and civilised times reserve for the union of clemency with prowess.

Neither successive donatives, nor the formal cession of sixteen counties, had any considerable effect in softening the fierceness of the feud. The Danish army, which occupied London, continued the course of plunder and rapine with a wantonness and fierceness too dreadful for detail. An example of their excesses has been already mentioned in the circumstances attending the murder of the archbishop of Canterbury. From a sermon by Lupus, a Saxon bishop, we gather a few particulars of the sufferings and degradation of his countrymen at this period. “Such is their valour, that one of

them will put ten of us to flight : two or three will drive a troop of captive Christians from sea to sea. They seize the wives and daughters of our thanes, and violate them before the chieftain's face. The slave of yesterday becomes the master to-day. Soldiers, famine, flames, and blood, surround us. The poor are sold far out of their land to foreign slavery. Children in the cradle are sold for slaves by an atrocious violation of the law." We should be more disposed to pity these miseries if we did not remember the massacre of the Scandinavians. We have no certain information indeed that these cruelties were measures of retaliation, or that any peculiar abhorrence of the massacre was professed by the Northmen. But in contests between beasts of prey, it is hard to select an object of compassion. Let those who consider any tribe of men as irreclaimable barbarians call to mind that the Danes and Saxons, of whose cruelties a small specimen has been given, are the progenitors of those who, in Scandinavia, in Normandy, in Britain, and in America, are now among the most industrious, intelligent, orderly, and humane of the dwellers upon earth.

Treachery surrounded Ethelred everywhere: jealousy and animosity divided his councils. He sent his queen and sons to the court of Normandy, where he soon after took refuge himself, continuing until the death of Sweyn. Upon that event, the Danish army in England chose Canute to succeed his father. The Saxon chiefs, with their wonted inconstancy, recalled Ethelred, whom their disunion and desertion had banished a few months before. Thereupon a contest ensued, in which the miserable people was equally oppressed by both parties. Ethelred renewed his former practice of delivering himself by assassination from those of his chiefs whose conduct he resented, or whose designs he distrusted. Canute maintained his superiority in open warfare.

On the death of the miserable Ethelred, his son Edmund, surnamed "Ironside," was chosen king; giving,

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during his reign (if it may be so called) of a few months, proofs of gallantry and vigour worthy of a happier issue. Edmund was compelled to be contented with the country south of the Thames; and his death, which happened in the end of November, is ascribed by some to the procurement of Canute. Certain it is, that this event removed every obstacle to the authority of the latter over the whole territory of the two nations. The ascendant of the Danes was now established; the period of their regular and undisputed sway began with Canute.

This extraordinary chief assumed to himself the direct administration of Wessex; according to the usage of the Saxons, establishing "dukes" and "earls," but, probably, with the same undefined power as the former "kings," in Northumberland, Mercia, and East-Anglia. With a view to conciliate the Saxons, he obtained in marriage, from the duke of Normandy, Emma, the widow of Ethelred, in a manner, according to an Anglo-Norman historian, equally disgraceful to the duke and to Emma herself.

Canute combined the great qualities of a sovereign with the hereditary barbarity of his race. He had already subdued Sweden and Norway, or reduced their chiefs to dependence. In his government of England the character of the conqueror at first prevailed. He caused several Saxon princes to be murdered. Edwy, king of the "Ceorls," a title of unknown import, was of the number, and is said by some to have been a prince. But the wise ruler gradually emerged from his original barbarism. He sent back the greater part of his northern army to Scandinavia. By his profession of Christianity, he removed the principal barrier between his English and his Danish subjects. By fixing his seat of government in Wessex, he held himself out as the lawful successor of the descendants of Alfred. His administration was harsh; but he neglected no means

of giving it a native colour. He even composed songs, which were sung alike by Saxons and Danes. He patronised both the Latin literature of the monks and the native poetry of the Scalds. When the fame of his northern conquests and of his peaceable establishment in England had generally spread, he visited Rome, as a pilgrim repairing to holy places, and as a monarch desirous of being received as a brother among Christian rulers, and embraced as a penitent son by their common father. He obtained also safe-conducts for the English pilgrims who crossed the Alps. He was treated with honour by the court of Rome; always expecting more effectual aid from a conqueror, and more favourable terms for the church from a prince of doubtful title as most needing her sanction. In his journey from Rome to Denmark (a wonderful enterprise for that age) he obtained from the Emperor Conrad II., who claimed the station of temporal chief of Christendom, the cession of the margraviate of Sleswick, and the acknowledgment of the Eider as the frontier of Denmark, which it remains to this day. After a reign of twenty years, in which his equal justice gained the support of both parties, he died, November 12th, A.D. 1036, with a reputation inferior to that of no European ruler of his age.

An anecdote is related of Canute, that, in the zenith of his greatness, he seated himself one day in a chair, in the midst of his courtiers, on the sea-shore, and, as the greatest of "sea-kings," commanded the tide which was coming in to advance no farther towards him. But seeing the vanity of his words, he piously acknowledged, that there is one Being only who can say to the ocean, "Thus far shalt thou go, and no farther." The story is somewhat extravagant; but it is less incredible as an exhibition contrived to silence extravagant adulation, than as a proof that so strong a mind could be disordered to such a pitch by conquest and flattery. At all events, as resting on English tradition, it serves to

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show the wisdom and impartiality which latterly pervaded his administration.

On the death of Canute, Harold, his son by his first marriage, being the only claimant on the spot, took possession of the throne, holding it for four years, in violation of the marriage-settlement of Emma, by which the crown was to descend to her issue by Canute. Edward, the son of Ethelred, came with an armament from Normandy to assert his pretensions; but receiving no assistance from his mother, he returned to Rouen. His brother Alfred, however, having received a letter of invitation to renew the attempt, purporting to be from his mother, yielded to what he considered as so promising a proposition. But the letter was nothing more than a snare laid for him by Harold. The unfortunate adventurer landed with a body of six hundred men, who were taken prisoners in the succeeding night. Sixty of them were set at liberty, a few being kept for slaves: the rest were destroyed, after being mutilated, according to the capricious ferocity of the soldiers. Prince Alfred was soon after blinded, probably by burning out his eyes; an operation which, performed by such hands, was not likely to leave any work for the assassin. On the death of Harold, his half-brother Hardicanute, encouraged by his mother Emma, reigned for about two years; of whom little is known, but that he attempted to punish the murderers of Alfred, and received Edward, the son of Ethelred, with kindness and honour.

After Hardicanute's death, Edward, the remaining son of Ethelred, who had passed twenty-seven years in exile in Normandy, ascended, without opposition, the Saxon throne. As the enmity between the Danes and Saxons is to be considered as the real, though often unseen, cause of these contests for the throne, though appearing to have originated in the ambition of individuals, so the final predominance of the Saxons is

to be imputed to their superiority in numbers and civilisation, and to their impatience of a barbarous yoke.

The sons of Edmund Ironside, who had been consigned to the king of Sweden, with instructions that the Danish rulers were to be freed from all competitors, were, with unwonted humanity, spared by that prince; who sent them, for better security, to the far east of Europe, where Stephen, king of Hungary, entertained them long and liberally. Thus remote from the scene of action, they lost, by non-claim, a throne which might seem almost their birth-right, and of which, therefore, Edward, being present on the spot, took undisputed possession. The reign of that meek and feeble prince opened with an act of rigour unsuitable to its general character. Emma had offended him by her partiality for her Danish children, and by refusing to assist him in his attempt on England. Lying under the just reproach of having neglected to bring to justice the murderers of her son Alfred, she was degraded from her station and deprived of all her influence. The failure of a threatened attack from Magnus, king of Norway, by removing his last Scandinavian competitor, might have paved the way for a reign both peaceful and prosperous. But the irresolute character of the king, coupled with the growing strength of the nobles, threw all substantial power into the hands of the latter, till a leading member of their body became king in fact, as well as in name—an acquisition which he might have transmitted to his posterity, as in the analogous case of Hugh Capet, if that natural course of events had not been prevented by foreign interposition of these magnates.

Siward, earl of Northumberland, Leofric, earl of Mercia, and Godwin, earl of Kent, divided the country between them. The two sons of the last held great domains, north of the Thames; which, together with their father's power in Wessex and in London, made

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the family the most powerful in the kingdom. According to the northern legends, Godwin was the son of a herdsman. A Danish chief, in a battle between Canute and Edmund Ironside, had pursued the defeated Saxons so eagerly, as to make his return to his comrades dangerous. Throwing himself on the generosity of a youth named "Gudin," or (Godwin), whom he met driving cattle, he offered him a gold ring, if he would conduct him in safety to his countrymen. Gudin refused the gift, but agreed to be the conductor of the Dane, leaving his reward to the liberality of his employer, who, accordingly with the young Saxon, regained the camp of Canute. The Dane by way of recompence gave Gudin his sister in marriage, and prevailed on Canute to raise him to the dignity of an earl. Godwin, fierce and treacherous, was generally charged with taking part in the cruel murder of prince Alfred. He inclined, as far as ambition allowed, to the Danish party; but he concurred in the proclamation of Edward, and shortly after seemed to acquire a new accession of influence by the marriage of his fair and gentle daughter Editha to the king. That superstitious prince thought it a noble act of virtue on this occasion to make a secret vow of continence, in which he persuaded Editha to acquiesce, and for which he is highly extolled by the ecclesiastical moralists; as if purity of manners did not derive its unspeakable value from its necessity, as a preparation for those unions in which originate the ties of kindred, and for those affections which first carry the heart beyond self. The ascendant of Godwin seems to have been first weakened by the crimes of his family. His eldest son Sweyn, who had been outlawed for the violation of an abbess, returning to England, after some piratical expeditions, on a promise of pardon, Edward was prevented from giving it effect by Harold, the brother, and Beorn, the cousin, of the culprit. Sweyn affected, however, to be reconciled to them both. But under the mask of friend-

ship, he found means to seize Beorn, whom he caused to be murdered. Notwithstanding these crimes, the timid, or insensible, Edward was still disposed to pardon the son of so powerful a family.

In no long time, however, the influence of the Norman party prevailed over that of the earl of Kent. Edward, it will be recollected, was the son of a Norman princess; and had passed twenty-seven years at the court of Rouen, where he was kindly entertained and carefully instructed. It is even said by Norman writers* that he owed his restoration in some degree to Norman ambassadors and a Norman guard. The duke of Normandy was the protector of the exiled princes and partisans of the house of Wessex. Feelings of gratitude, facility of temper, and the power of early habit, combined in disposing Edward to load with favours the companions and guardians of his youth; who were, moreover, better qualified than his native subjects, both for learning and for business. These amiable or excusable partialities degenerated into favouritism; supplying the only motive, perhaps, which could have roused his weak and pusillanimous spirit to throw off the yoke of Godwin. The Normans flocked to England; where every species of civil and ecclesiastical preferment was invidiously showered on them. Robert, one of that nation, was raised to the primacy, then the office of greatest influence in the kingdom, as well as the station of highest dignity. The family of Godwin saw the king escaping from their hands and falling into those of new masters. An affray at Dover between the townsmen and the soldiers of Eustace, earl of Boulogne, who had come over to England to marry the king's sister, gave vent to the popular jealousy against foreigners, and is remarkable as the first conflict between Saxons and Normans. The king espoused the quarrel of his

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* Gul. Pictav. apud Duchesne.—Script. Norm. Hist. Vet. p. 181.

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brother-in-law. Godwin however, assembling a considerable force, claimed to have earl Eustace delivered up to him, the outrage having been committed in his territory. The king, or his Norman advisers, implored the aid of the earls Leofric and Siward, the latter of whom led the Northumbrian Danes to the relief of a Saxon king. Godwin and his sons were outlawed, and driven to the ordinary asylum of his party with earl Baldwin at Bruges. The innocent Editha was divorced, imprisoned, and stripped of all she had, with a violence and indecorum in which the king could only have been a passive tool. "Wonderful would it have been thought," says the Saxon Chronicle, "if any man had said before that it would end thus; for he (Godwin) was raised to such a height that he ruled the king, and all England: his sons were earls, his daughter was wedded to the king, and consecrated queen."

At this conjuncture, when the influence of the Normans over the king seemed to have been secured by his victory over the faction of Godwin, William, duke of Normandy, paid a visit to his cousin, king Edward; not so much, probably, to partake the triumph, as to confirm the union of his countrymen, and to avail himself of the advantages which his politic foresight could discover, as likely to arise to himself from the character of the king, and his separation from the queen. The unpopularity of the foreigners, however, the imbecility of Edward, and the return of the northern earls to their distant seats of rule, robbed the victory of its advantages, and enabled the exiles once more to re-establish their power. Before the end of the following year, Godwin found means to regain his former influence over the mind of the king, whom he obliged to outlaw archbishop Robert and all "Frenchmen," as the Normans were then called. Not long after, Godwin died, full of years, and full of crimes. The death of Siward, a chief of Danish lineage, enabled the family of Godwin to obtain the government of the

large and warlike province beyond the Humber for his younger son Tostig; who was, however, deposed not long after by the thanes of Yorkshire for his cruelties. The king was compelled formally to confirm this deposition, and to ratify the nomination of earl Morcar.

About this time, the tax called "Danegelt" was abolished, which had continued to be collected as revenue long after it ceased to be paid as tribute. About the same time also, Edward, son of Edmund Ironside, and the nearest in blood to the crown, who had been invited by the king to return to England, from his long banishment, in Hungary, died shortly after his arrival, and before he had been admitted into his uncle's presence; an exclusion which the chronicler deplores, as if the intrigues of the house of Godwin had forbidden Edward to indulge his natural affection for the last prince of the house of Wessex. This pacific prince died on the 4th of January, and was, on the following day, interred in the magnificent church of St. Peter at Westminster, of which he was the founder, and which, as soon as he foresaw his death, he ordered to be consecrated with all due solemnity and splendour. His death spread general sorrow and consternation. The innocence of his life, and the gloomy prospects of the state, from foreign enemies and a disputed succession, sufficiently explain a feeling otherwise unreasonable.

Perhaps the virtues and vices of the eleventh century, in their most striking form and most conspicuous position, cannot be more adequately represented than in the persons of Dunstan, Canute, and Edward. It was a period of aspiring ecclesiastics and of savage rulers, modified with some rudiments of the arts of war and government, and in which those who escaped atrocious crimes were too ignorant and degraded not to embrace superstition instead of religion. Dunstan was a zealous, and perhaps useful, reformer of religious discipline; of commanding abilities, of a haughty, stern, and turbulent nature;

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without more personal ambition, perhaps, than is usually blended with public principle; and one who, if guilty of some pious frauds, might not unreasonably pray that a part of the responsibility might be transferred from him to his age. Canute was a barbarian conqueror, ruling his fierce subjects by maxims far more blameworthy in a better age than in his troublous and lawless times. Prudence and moderation, if not humanity, were at length grafted on his ferocious energy; and at the last it might be said, perhaps with little exaggeration, that his vices belonged to his age, and his virtues to himself. Edward was a royal anchorite, who, if he had been a professed recluse, or even a private man, might have been justly thought venerable or excusable, according to individual opinion or prepossession. But his abject superstition deprived a clear conscience of the cheerful and courageous temper which is its natural companion: his petty observances distracted his mind from the performance of graver duties: and his ascetic extravagances represented God as an object of slavish fear rather than reverential love. His administration was not his own; he was the mere instrument of the factions who happened for the time being to have possession of his person. If such examples were frequent, innocence would cease to be respectable, and men might be excused for their too frequent preference of active and brilliant ambition. In contemplating these three representatives of the eleventh century, we are struck by observing how much Alfred united all their good qualities and escaped their vices. In spite of all his perfections, he was a reformer as zealous as Dunstan, a Christian as pious as Edward, and a ruler at least as sagacious and vigorous as Canute.

On the day of Edward's interment, the Saxon chiefs in attendance at court at the festival of Christmas elected and caused to be crowned Harold, the son of Godwin, then under-king of Kent; who, since his father's death, had been regent of the kingdom. The only opposition

which he experienced to this hasty and tumultuary election sprang from the mortal hatred raging in his own unnatural family. His brother Tostig was his earliest competitor; whom Harold Hardrada, king of Norway, and William Duke of Normandy promised to support; the latter, however, with no sincere intention. Tostig landed in Northumberland, trusting that the animosity of the Danish Northumbrians against the Saxons would countervail their remembrance of the tyranny which he himself had exercised over them. Defeated by earl Morcar, who had been chosen on his expulsion, he, like most other English malcontents, found a welcome reception from Malcolm, king of Scotland. Meanwhile the king of Norway performed his promise: landing near York with a great force, after an obstinate struggle, he defeated the Saxon army. Harold was not present; being probably fully occupied in watching on the south-eastern coast the preparations of another and still more formidable antagonist. Dreading, however, the influence of the Norwegian over men of his own race, he adopted the bold, but prudent, resolution of marching northward to crush one opponent before he encountered another. So scanty were the means of communication and intelligence in those days, that it was easy to take armies by surprise; and many poetical incidents were then probable which in modern wars are become impossible. When the Saxon forces were seen advancing, Tostig is said to have been asked by his Norwegian ally who they were. His answer was that he hoped they were his friends; but they might be his brother's army. A proposal was sent to Tostig, offering him Northumberland, if he would withdraw from the field. "Last winter," he replied, "such a message might have spared much blood: but now what do you offer the king my ally?"—"Seven feet of ground," replied the Saxon officer. A bloody battle, long of doubtful issue, ensued. More than once the Northmen, animated by the songs of their

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Let us now pause, to take a short view of the institutions of the Anglo-Saxons, before we proceed to give an account of the success of the invasion which introduced another system.

The antiquaries of the seventeenth century investigated the history of our ancient constitution industriously, and often learnedly; but their researches were aided by little critical estimate of authorities, and guided by no philosophical spirit. The greater number of these praiseworthy labourers, who set about their inquiries at the time of the contest between the House of Stuart and the people of England, adapted their representation of our ancient laws to the part which they took in that momentous controversy. The contest was decided by the Revolution of 1688, but the mistaken opinions of the contending parties survived. In two fundamental

errors only did the Whig and Tory antiquaries concur. They both maintained that Saxon Government was a well-ordered system, and that the right of the people to liberty depended on the enjoyment of it by their forefathers. Both treated the terms denoting political and legal institutions as retaining an unalterable signification through the changes of six hundred years; and hence both were led to believe that the same laws and government which they saw around them during the controversy in question, had existed in the time of the first Saxon freebooters. The Tories represented the Saxon kings not the less as absolute monarchs, because they acted by the advice of men of sense and weight appointed by themselves; treating the privileges of the people as either usurpations or concessions. The Whigs, on the other hand, with no less deviation from truth, endeavoured to prove that the modern constitution of king, lords, and commons, subsisted in the earliest times, and was in fact more pure and flourishing then than in any subsequent age. No one seemed to apprehend that governments are not framed after a model at all, but that all their parts and powers grow out of occasional acts, prompted by some urgent expediency, or private interest, which in the course of time coalesce and harden into usage; and that this bundle of usages is the object of respect and the guide of conduct, long before it is embodied, defined, and enforced in written laws. Government may be, in some degree, reduced to system, but it cannot flow from it. It is not like a machine, or a building, which may be constructed at once, and according to a previous plan, by the art and labour of man. It is better illustrated by comparison with vegetables, or even animals, which may be, to a very great extent, improved by skill and care, which may be grievously injured by neglect, or destroyed by violence, but which cannot be produced by human contrivance. A government can, indeed, be no more than a mere

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CHAP. draught, or scheme of rule, when it is not composed of
 III. habits of obedience on the part of the people, and of the
 450 habitual exercise of authority by the individuals or
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 habits, like all others, can only arise by repeated acts;
 they cannot be suddenly infused by the lawgiver, nor
 can they immediately follow the most perfect conviction
 of their propriety. So many influences acting upon
 the human mind, besides written law, it is extremely
 difficult, from the mere perusal of a written scheme of
 government, to foretell what it will prove in action.
 There may be governments so bad that it is justifiable
 to destroy them, and to trust to the probability that a
 better one will grow in their stead. But as the rise of a
 worse is also possible, so terrible a peril should never be
 incurred except in the case of a tyranny which it is im-
 possible to reform. It may be necessary to burn a forest
 containing much useful timber, but giving shelter to
 beasts of prey. It is fit, however, that the actors should
 be apprised, before they take an irreparable step, how
 little it is possible to foresee whether the earth, stripped
 of its vegetation, shall become an unprofitable desert, or
 a pestilential marsh.

If these be truths applicable to all men, they are more
 obviously evident in the case of barbarians, among whom
 it would be absurd to expect a lawgiver of foresight
 enough to provide for all emergencies, or any consider-
 able number of people so reasonable as to forego their
 inveterate habits of thinking, feeling and acting for the
 sake of making a fair experiment on a new system of
 laws and government.

The Saxon kings at first acquired power by the same
 means which have gradually, and every where, raised a
 small minority above their fellows. They were, doubtless,
 more experienced, more skilful, or more brave, than
 those who surrounded them. Their children might de-
 rive some superiority from the example and instruction of

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the parents ; and some part of the respect which they commanded might overflow on their more distant progeny. The Anglo-Saxon kings were regarded as the descendants of Odin, the offspring of the gods ; and when, after their conversion, this pedigree ceased to be sacred, it continued to be illustrious. The extinction of all the Odinian race, except in Wessex, contributed not a little to the greatness of the house of Cerdic ; and the total absence of all pretension to ancestry in Harold may have, in some degree, conduced to the languor of the resistance opposed on his behalf. A king was powerful in war by the lustre of arms, and the obvious necessity of obedience. His influence in peace fluctuated with his personal character. In the progress of usage his power became more fixed and more limited. But every act from which this usage sprang, must have been prior to law ; of which it is more the office to record than to bestow, such powers. It would be unreasonable to suppose that the northern Germans who conquered England had so far changed their habits from the age of Tacitus that the victors became slaves, and that their generals were converted into tyrants. It is, accordingly, certain that all these princes governed with the advice and consent of national assemblies, the constituent parts of which it is difficult to determine with certainty, but which may be safely pronounced to have been of an irregularly popular composition. This assembly was called "Witenagemote," or "meeting of wise, or knowing men." It is acknowledged that it contained prelates, earls, thanes, and other principal proprietors of the kingdom. Its consent is recited in the preambles of the Saxon laws as necessary to their validity ; and the repetition of the same terms for centuries, as descriptive of its members, is a proof of the stability and legality of their power. The authority of a barbarous chief needs the support of inferior ones, and of the latter's influence over the multitude ; for without it, laws and legal commands would be more likely to be

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scorned than executed. Undoubtedly there is no trace among the Anglo-Saxons either of representative system or of a peerage like that which now exists. Not only the prelates and "aldermen," or "earls," but a great, though unascertainable, part of the thames, the inferior nobility, or, in modern phraseology, the gentry, were members of the "witenagemote." A freeman, not noble, was raised to the rank of a thame by acquiring a certain portion of land, by making three voyages at sea, or by receiving holy orders. Now, if all considerable holders of land (the only wealth then known) had a right to sit in this assembly, and if all freemen might become members of this open aristocracy by such various and easy means, the association of such a body with the king in making laws, and their extensive share in the disposal of the crown itself, sufficiently justify us in affirming, that the Anglo-Saxons possessed the rudiments of a free and popular government. It is true, that all who had seats by ancient use did not, in later times, continue to attend. After the subordination of the other kingdoms to Wessex, and the rise of a single "witenagemote" for the whole country, it was scarcely possible for the poor, or the distant, to be present. As the privilege had been conferred by no law, disuse gradually abrogated what usage had established. The preambles of the laws speak of the infinite number of the "liegemen"* who attended, as only applauding the measures of the assembly. But this applause was neither so unimportant to the success of these measures, nor so precisely distinguished from a share in legislation, as those who read history with a modern eye might imagine. It appears that, under Athelstan, expedients were resorted to, to obtain consent to laws from the people in their districts, which their numbers rendered impossible in a national assembly.

* "Liegemen to the Dane." sanction of Spenser) may warrant Shakspeare's use of it (with the the revival of this convenient word.

That monarch appears to have sent commissioners to hold "shire gemotes," or "county meetings," where they proclaimed laws made by the king and his counsellors; which being acknowledged and sworn to at these "folknotes," or "popular meetings," became, by their assent, completely binding on the whole nation. It must never be forgotten, in considering these subjects, that only acts of power against law are properly usurpations. Wherever there is a doubt concerning the extent of the powers exercised by these great assemblies, we must throw into their scale the weighty consideration, that the king, instead of fear or jealousy of them, felt a constant desire to strengthen every important act of his government by their concurrence.

The grand division of the inhabitants of England was into freemen and slaves. But there were several bodies of men named in the Saxon laws, and in Domesday Book, which it is somewhat difficult to include in either class; bordars, cottars, &c. It has been supposed that the "ceorles" or "churls" were slaves; others have thought, with more likelihood, that the "villains" of the Saxons were not, as in later times, slaves, but cultivators of the soil; an opinion which has been adopted by Mr. Burke. To avoid an unsatisfactory decision in a work, the limits of which preclude discussion, we may, perhaps, be excused for a modest compromise, which, under the name of "semi-servile," would propose a third class, formed of populations more or less remote from the two extremes, but neither absolutely equal to freemen, nor reduced to the unhappy level of slaves. At the head of this intermediate class, if not in the lowest order of freemen, stood the Saxon "villains," or villagers; the dispute concerning whom is, perhaps, more a question of language than one respecting their condition. The merely being bound to the soil may be joined with so many privileges, that their state may be more properly described as one of freedom than of servitude. The "cottars," or "bordars,"

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and many of the other subdivisions mentioned in Domesday Book, probably held inferior stations in the class in question. The mere slaves, called "servi" in the Latin of Domesday Book, were known in Anglo-Saxon by the various names of "thcow," "esne," and "thrael," or "thrall." Their lives were professedly protected by law; and they were even allowed to acquire property, for they appear often to have purchased their own manumission. The sale of slaves to the continent of Europe and to Ireland, though in use for a time, was at last prohibited. This prohibition must have disposed masters more to manumission, and tended to prevent the crime of enslaving freemen. In the preamble of the laws of Alfred we find a large extract from Moses; which, immediately after the Ten Commandments, forbids the keeping of a Hebrew in slavery for more than six years. For "Hebrew" Alfred substitutes "Christian;" an alteration of which it is not easy to see the reason, unless he intended by it to apply the Mosaic prohibition to his own subjects. If, from its place in the preamble, it loses its character of a law (a mode of reasoning too technical for the time of Alfred), it is, at all events, a legislative declaration of the injustice of perpetual bondage. In fact, manumissions appear in the later Saxon times to have been accounted acts of piety and humanity, to have been earnestly recommended by the church, and to have been very frequently practised by dying penitents.

To determine the numbers of each of these classes, and the sum total of the population at the close of the Saxon period, is a problem which we have not the means of solving, notwithstanding the uncommon assistance derived from the great survey of the kingdom made by William the Norman. True it is that Domesday Book has not yet been critically examined for that purpose. But it may be doubted whether, if it had been, all our difficulties would have disappeared. Of thirty-four counties examined by Mr. Turner, four

have no class described as slaves ; though two of these are the extensive counties of York and Lincoln ; while the proportion of slaves to the intermediate class, containing villains, bordars, and cottars, is in Nottingham as one to a hundred and fifty, in Derby as one to a hundred and thirty-nine, in Somerset about one to six, and in Devon nearly as one to four. Such an extreme inequality seems to indicate that this class of men went under different names in different parts of the country, or that the commissioners employed in the great survey differed from each other in the language which they employed. But, on the whole, if this examination be correct, it is evident that the class subject to pure thralldom was small in comparison with those enjoying superior privileges, whether called freemen or not. As far as an average may be risked with materials so defective, and, perhaps, discordant, it should seem that, throughout England, the class considered as strictly slaves were not above one in seven of the industrial population.

The population of England, according to this writer's tables, after the desolation of the northern counties by the Normans, was about 1,700,000. If we are to throw our intermediate class among the slaves, the number of freemen would be reduced below all probability. On the other hand, as long as it is allowed that the villains, cottars, and bordars were bound by their tenures to serve their masters in agriculture, there is no improbability in the small number of those reduced to the lowest state of slavery.

The distribution of the Anglo-Saxons into these separate classes affords considerable insight into the spirit of their institutions. Punishments were commonly pecuniary ; and, in the case of murder, the amount, which was partly levied by the state as a penalty, and partly granted to the family of the murdered individual as a compensation for their loss,

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was proportioned to the rank of the latter. The "were" paid for killing the king was thirty thousand thrymsas; that for a prince one half of that sum; that for an alderman, or earl, or a bishop, eight thousand; that for a thane two thousand; that for a ceorl two hundred and sixty. It may be stated shortly that the Saxon pound of silver, which weighed five thousand four hundred grains troy weight, contained forty-eight Saxon shillings, each of which weighed one hundred and twelve such grains, each shilling being equal to five Saxon pence, and a thrymsa to three such pence. As the Anglo-Saxon pound troy was equivalent to forty-eight shillings, while the same weight of metal is at present coined into sixty-six, the silver in the more ancient shillings exceeds that in the modern by about one fourth: more exactly, it may be stated, that a Saxon shilling contained one hundred and twelve grains of silver, and our present shilling eighty-seven grains. As, however, these denominations of coin might originally not have been of the same weight in all the Saxon principalities, and as we know that their princes frequently resorted to the thriftless expedient of debasing the currency, it is perhaps impossible to reconcile all the passages in Saxon law relating to coin. For example, while in Wessex the pound was equal to forty-eight shillings, the same quantity of silver was, in Mercia, equivalent to sixty; so that the Mercian shilling was four pennies, when the West-Saxon one was five. With this explanation, another mode of describing the "were" of all freemen below the rank of an alderman or earl may be stated; "twy-hinds," or ceorls, whose were was two hundred shillings; "twelf-hinds," or thanes, whose were was twelve hundred, and "six-hinds," an unascertained class, corresponding, probably, to the "ingenui" of some continental codes, whose were was six hundred. To give an approximation to the comparative value of the different coins is sufficient for our

purpose, which is chiefly to show the political character of penal legislation among the Saxons. That the murder of the king should be atoned for by a larger fine than that of a subject, a fine not four times greater than that for the murder of the governor of a county, is a symptom of a temper more disorderly than slavish, and, to use the words of the great monarchical historian, Hume, "a sensible proof of the subordination of the king to the community." Other popular institutions display the same spirit. The meetings of the people at the courts for shires, the hundreds, and tithings, where the humbler classes were necessarily more important than in the national assemblies, contributed still more to cultivate the generous principles of equal law and popular government; and though trial by jury was then unknown, it cannot be doubted that the share of the people in the proceedings of these courts, where all ordinary justice was administered, must have led the way to that most democratical of juridical institutions. It is an ingenious and probable conjecture, that the smaller of these courts produced the assembly immediately above it in regular order, from the "folk-mote" of the hundred to the "witenagemote" of the Saxon nation. In their original seats, indeed, we learn from Tacitus that there were "hundredors" in the districts as well as in the supreme assemblies of the whole people.

From the Anglo-Saxons we derive the names of the most ancient offices among us; of the greater number of our territorial divisions, and of almost all our towns and villages. From them also we derive our language; of which the structure, and a majority of its words, much greater than those who have not thought on the subject would at first believe, are Saxon. Of sixty-nine words which make up the Lord's Prayer, only five are not such; the best example that can be given of the natural bent of our language, and of the words apt to be chosen by those who speak and write it without

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CHAP. design. Of eighty-one words in the soliloquy of Hamlet,
 III. thirteen only are of Latin origin: even in a passage of
 450 ninety words in Milton, whose diction is more learned
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 Latin words: in four verses of the authorised version
 of Genesis, containing about a hundred and thirty
 words, there are no more than five: in seventy-nine
 words from Addison, whose perfect taste preserved him
 from a pedantic or constrained preference for any
 portion of the language, we find only fifteen. In later
 times, the language has rebelled against the bad taste
 of those otherwise excellent writers, who, instead of en-
 nobling their style like Milton, by the position and
 combination of words, have tried to raise it by unusual
 and far-fetched expressions. Dr. Johnson himself, from
 whose perversions English style is only just recovering,
 in eighty-seven words of his fine parallel between Pope
 and Dryden, has found means to introduce no more
 than twenty-one of Latin derivation. The language of
 familiar intercourse, the terms of jest and pleasantry,
 and of business, the idioms or peculiar phrases into
 which words naturally run, the proverbs, or condensed
 and pointed sense of the people, the particles, on which
 syntax depends, and which are of perpetual recurrence;
 —all these foundations of a language are more decisive
 proofs of the Saxon origin of ours than even the great
 majority of Saxon words in writing, and the still greater
 in speaking. In all cases where we have preserved a
 family of words, the superior significancy of the Saxon
 over the Latin term is remarkable. “Well-being arises
 from well-doing,” is a Saxon sentence which may be
 thus rendered in the Latin part of the language:
 “Felicity attends virtue;” but with what a loss of force
 and expressiveness! In Saxon words the constituents
 or roots also being significant, and familiar to our eyes
 and ears, throw their whole meaning into compounds
 and derivatives; while Latin ones of the same import,

having their roots and elements in a foreign language, carry only a cold and conventional signification to an English ear.

It must not be a subject of wonder that language should have a closer connection with the thoughts and feelings than our philosophy can always explain. As words convey those elements of the character of each individual mind, so the structure and idioms of a language, those properties of it which, being known to us only by their effect, we are obliged to call its spirit and genius, seem to represent the character or assemblage of qualities distinguishing one people from another. As, at the beginning of these remarks, we freely animadverted on the shallow pedantry which sought to see a realisation of its own favourite system in Anglo-Saxon government and institutions, so we shall conclude them by observing, that those who look below the surface of forms and institutions will discover, that the spirit of equity and freedom infused into our government by the Saxons has never entirely departed from us; that great disparities of rank have been reconciled by us as they were by them, with nearer or more distant approaches to legal equality; and that we are only following their example in still employing regal and aristocratical temperaments to render the ascendancy of the people safer for public order, and therefore more secure against dangerous attack.

Neither the limits of this history, nor the attainments of the writer, are suited to the examination of the extensive subject of Saxon literature, farther than to lament the humiliating contrast between the labour bestowed by the continental nations on the legends of Iceland, and the incurious disregard with which the English nation have hitherto treated the literary monuments of their forefathers. — Only so far as it is historical, can the shortest observations on it be hazarded here. No nation is happier in its earliest history than the

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English people. Venerable Bede was born at Wearmouth, only a few years after the introduction of Christianity into Northumberland. He resisted during a long life the most flattering invitations to quit his monastery and birth-place. Such was the authority of his writings, that, though only a humble monk in the most remote, barbarous, and recently converted of the Saxon principalities, he attained what was even then the singular honour of being the most celebrated writer of Christendom. His great work is entitled "Ecclesiastical History;" and is nearly of the same nature as that of Gregory of Tours, who, a century before, had laid the foundations of French history. Both joined ecclesiastical with civil affairs, an arrangement inevitable at a time when ecclesiastics were the only educated persons; when they alone had any sort of mental ascendant; and when their authority, the only element of order amidst general discord, had a great, and often a good, effect on the general course of events. Both believed in miraculous interpositions, and both honestly related them. To Bede we owe all our knowledge of English history from the landing of the Saxons in Kent to his time (nearly three centuries), and all our certain information respecting the various tribes who then inhabited the island: it is apparent that the work called the Saxon Chronicle often copies long passages from him.

The original of that Chronicle was probably a much shorter and simpler document than the present one; consisting of notes of occurrences, annually or periodically taken, and deposited in the monasteries. Doubtless there were many such collections. Some of them would get in time to acquire a sort of general sanction; and additions would be made according to the taste or information of the individual possessors. In this way, it should seem as if the Saxon Chronicle had grown into its present form. Though we are ignorant of the authors, or of the time when it first began to be com-

posed, and, in truth, know for certain nothing further concerning it, but that it commences with the reign of Hengist, and terminates with the death of Stephen: yet its shortness and dryness are no contemptible proof of the honesty and accuracy of the writers. It has also received more or less confirmation from the translations of many parts in the Norman writers; some of whom appear to have had before them other chronicles of the same sort. These Norman writers are in some measure become originals to us.

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Little that was contemporary remained to be added to these sources of history, except the invaluable life of Alfred by Asser. The vast collection of the lives of the saints often throws lights on public events, opening glimpses into the lives and habits of people in those times; nor wanting in sources of interest, though poetical and moral, rather than historical. Many of these were the best men of their age; and the reverence of their biographers, unconsciously hiding their faults, and brightening their virtues, presented them as examples and models to those who felt something more than vulgar ambition. In every age of the world, men above the crowd have aspired after something more excellent than the average standard of thought and feeling. The whole force of this high attempt was at this period spent in celebrating the lives of the saints, — a sort of moral heroes, without some acquaintance with whom it is difficult to comprehend an age when the commemoration of the virtues then most venerated, as embodied in these holy men, was the principal theme of Christendom.

The credit of the Welsh poems called Triads has been unduly lowered in consequence of injudicious attempts to exaggerate their antiquity; a fault into which all nations fall, and which is not on this account to be visited severely on one in particular. These poems are therefore certainly the work of an early age; and parts of them, if we had the means of discriminating, would

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probably be found to be of an origin not less ancient than has been claimed for the whole.

The Scottish chroniclers arose too late to be sufficient authorities on this period, concerning which we know nothing certain from them but the general fact of the union of the Scots and Picts under a Scottish dynasty. The Celtic tribes were celebrated for their love of poetry. The old songs of every people, bearing the impress of their character, and of which the beauties, whether few or many, must be genuine, as arising only from feeling, have always been valued by men of masculine and catholic taste. Some fragments of those of the Scottish Highlanders of very uncertain antiquity appear to have fallen into the hands of Macpherson, a young man of no mean genius, but unacquainted with the higher criticism, and who was too much a stranger to the world of letters to have learnt those refinements which extend probability to literature as well as to property. Elated by the praise not unjustly bestowed on some of these fragments, instead of ensuring general assent to their antiquity by publishing them in their natural state, he unhappily applied his talents for skilful imitation to complete a body of poems in a style similar to the fragments, working them into the unsuitable shape of epic and dramatic compositions. He was not apparently aware of the impossibility of poems, preserved only by tradition, being intelligible after thirteen centuries, to readers acquainted only with the language of their own times; nor did he perceive the extravagance of peopling the Caledonian mountains in the fourth century with a race of men so generous and merciful, so gallant, so mild, and so magnanimous, that the most extravagant romances of the age of chivalry could not have ventured to represent a single hero as on a level in point of virtue with their every-day population. He did not consider the absurdity of inserting, as it were, a people so advanced in moral civilisation, between the Britons, ignorant and

savage as painted by Cæsar, and the Highlanders, fierce and rude as we know them to have been by the accounts of the chroniclers of the twelfth and fourteenth centuries. Even the humaner of the Scots were, in the later period, thus spoken of by Froissart:—"In Scotland ye shall find no man lightly of honour or gentleness: they be like wylde and savage people." The great historian* who made the annals of Scotland a part of European literature had sufficiently warned his countrymen against mistakes of this sort, by the decisive observation that their forefathers were unacquainted with the art of writing; which alone preserves language from change, and events from oblivion. Macpherson was encouraged to overleap these and many other improbabilities by youth, talent, and applause. Perhaps he did not at first distinctly present to his mind the permanent character of the deception. It is more probable, and it is a supposition countenanced by many facts, that, after enjoying the pleasure of duping so many critics, he intended one day to claim the poems as his own; but if he had any such design, considerable obstacles to its execution arose around him. He had been loaded with so much praise, that he seemed bound in honour to his admirers not to desert them. His national feeling appeared to render partisanship in behalf of poems which Scotland had inconsiderately sanctioned, as a sort of moral obligation. Exasperated, on the other hand, by the, perhaps, unduly vehement, and sometimes very coarse, attacks made upon him, he was unwilling to surrender to opponents who so treated him; involving himself at last so deeply as to have no decent retreat left.† Since

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* Buchanan.

† Mr. Laing himself admitted that Macpherson was a man of truly poetical genius, and that much of the poems is of no inconsiderable merit; and even adds, that he read them with pleasure after the detection.

Yet no one will number a feeble administration of literary justice among the frailties of my late invaluable friend, as acute, learned, diligent, and inflexibly honest an inquirer as ever explored historical truth.

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the keen and searching publication of Mr. Laing, these poems have fallen in reputation, to an extent that seems to show that no forgery can ever be permanently successful. They had been already admired by all nations and men of genius in Europe; the last incident in their transient story is perhaps the most interesting. In an Italian version, softening defects, but smoothing down characteristic qualities, they formed almost the whole poetical library of Napoleon Buonaparte. No other imposture in literary history approaches it in the splendour of its course.

They have, however, thrown a colour of fraud over Celtic poetry, which has long weighed upon that department of ancient research. Nor is there any immediate probability that the Irish and Scotch will join at an early date their exertions for the recovery, literal translation, and impartial illustration of such fragments of their ancient songs as are undoubtedly still extant. The fragments published in Ireland by Miss Brooke, in 1789, are, indeed, commendable for retaining the form assigned; for not making too confident pretensions to high antiquity; and for not attempting to remove anachronisms which the unlettered bards could hardly escape. But the translations give no picture of bardic style: they relate to Irish events of former days; but they are written in the prevalent style of a very modern age.

In one respect, Irish history has been eminently fortunate. The chronicles written in the Irish language, from the second century to the landing of Henry Plantagenet, have been recently published, with the fullest evidence of their genuineness and accuracy. The Irish, though robbed of many of their legends by this authentic publication, are yet by it enabled to boast that they possess a genuine contemporary history several centuries more ancient than that of any other European nation. Indeed, none other possesses any monument of its lite-

rature, even in its present spoken language, going back within several centuries of the commencement of these chronicles. The ancient date of these MSS.* carries with it the same internal proof as the Saxon Chronicle to support the fidelity of the outline of the narrative.

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* Edited by the learned and upright Dr. Charles O'Connor, to whom we may justly apply, with small change, a line of Dryden—

“ True to his faith, but not a slave to Rome,”

—the lineal descendant of Roderic

O'Connor, king paramount of Ireland at the time of the Anglo-Norman invasion. Dr. O'Connor only lived to complete this monument of the literature of his country, of which his forefathers were the last native and independent rulers.

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WILLIAM THE CONQUEROR TO EDWARD THE FIRST.

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WILLIAM, duke of Normandy, proved the most formidable of the competitors of Harold. The account of his ancestor Rollo, who established a Scandinavian state in Neustria, given by the "sagas," or ancient romances of Iceland, is so minute and characteristic, that it is not only more interesting, but seems more credible than that of the Gallo-Norman writers of a later period. Harold "Harfager" (or the "Fair-haired"), king paramount of Norway, who had formed the design of becoming the monarch, instead of the chief of that country, fought, in 885, a naval battle against the chiefs leagued against his encroachments, in which success was long doubtful; but, having at length commanded the frantic band of his "Berserker" to attack the confederates, he gained a most signal victory, as much celebrated by the poets of the north as the destruction of Troy was by the Hellenic bards. The twenty kings who governed Norway were reduced to a subjection from which some escaped by leading colonies into other lands; others, by betaking themselves more exclusively to piracy. By a party of these a republic was founded in Iceland, where literature and liberty converted the barbarians of centuries into a civilised people. Harold, pursuing his victory over his piratical vassals, pillaged the Isle of Man and the Hebrides, extirpating the sea-kings of Orkney and Shetland, and appointing Rognevald, a powerful Norwegian, who had early submitted, to be "jarl" or prince of Orkney. On the death of Rognevald, the succession to his earldom was disputed, with many murders and cruelties, between his children and the sons of Harold. One of his sons,

called in the Icelandic poems 'Hrolph,' better known to us by the name of "Rollo," had, for reasons unknown, been excluded from all share in his father's domains, and had no resource therefore but piracy, in the course of which he broke a law passed by Harold, forbidding freebooters, under pain of death, to destroy cattle on the Norwegian shore. He was tried in his absence by the "Thing," or diet, of Norway, who condemned him to perpetual banishment.

Out of these barbarous contests for the earldom of Orkney arose the conqueror of a great province in France. After many attacks on that kingdom, Charles the Simple, in 912, ceded to Rollo the province of Neustria, giving him at the same time one of his daughters in marriage, on condition that he would submit to baptism. William, afterwards king of England, was the fifth duke of Normandy from Rollo; he was the son of Robert the Magnificent, or the Devil as he was called, perhaps with equal justice, by a fair damsel of low condition at Falaise, of whom he was enamoured, but whom he could not wed during the life of the duchess, the sister of the great Canute. When about to make a pilgrimage to the Holy Land, Robert presented William, then a new-born infant, to a great assembly of his nobles, who careless, like their northern forefathers, of the distinction between concubinage and wedlock, hailed the child with acclamations as the heir of the duchy. On the death of his father, at Nice in Bithynia, William, then only eight years of age, was raised to the ducal throne, which he filled with renown for fifty-three years. Alan, earl of Brittany, and Gislebert, count of Brienne, the regents, showed a respect for their trust, then very unusual; and Henry I., king of France, who owed his crown to Robert, and who had in requital made him grants bringing the Norman territory within six leagues of Paris, protected, as became him, the interests of his ward. As soon as William received his knighthood, he

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turned his arms vigorously against his enemies, and in particular his neighbour, of ferocious valour, Geoffrey, earl of Anjou. In process of time, Henry, jealous of the young duke, made inroads into Normandy; for which pretexts were never wanting in the confused relations of lord paramounts with their great vassals. His armies were twice repulsed by those of William; whose hands were strengthened by his marriage with Matilda, daughter of the earl of Flanders, who soon after became regent of France, and by his acquisition of the county of Maine, bequeathed to him by the will of the last count. Meanwhile, the Norman name became illustrious by the exploits of Robert Guiscard, a private gentleman, who, by his adventurous valour, became master of Lower Italy under the title of duke of Apulia and Calabria, began the expulsion of the Saracens from the Italian islands, and left a son sovereign of Antioch, and a nephew who founded a monarchy in Sicily.

Edward the Confessor, the grandson of a duke of Normandy, had passed twenty-seven years of his early life at the court of Rouen. Robert the Magnificent had even fitted out an armament for his restoration. After that event, it is said by contemporaries, with probability enough, that French became the language of his court. From authentic documents we learn that some Norman barons were landholders in England in the reign of Edward. The King was only restrained from openly embracing the French party by his dread of the house of Godwin. Norman churchmen began to be promoted; and William visited the childless Confessor when his visit is not likely to have been quite disinterested. Edward, says a contemporary writer*, had almost become a Frenchman. It was afterwards asserted by William that, either on this or on some other occasion, Edward had, with or without writing, bequeathed to him the crown of England. Such a

* Ingulphus.

bequest could only have been made in contempt of the claims of the exile in Hungary. At the death of Edward, there was indeed no man living who had a title to the crown, or a reasonable expectation of it, according to the prevalent usages of the Anglo-Saxons. Nothing was more repugnant to their feelings, or perhaps, in general, more unsuitable to their condition, than the election of a boy alike feeble in mind and body, though descended from the regal stock. William and Harold were, however void, of all claim founded on modern rules. The former, as the grand nephew of Emma, the king's mother, was sufficiently nearly related to the king to make it easy for popular feeling to connect such consanguinity with inheritance. Harold took advantage of his sister's being Edward's wife, to amuse the minds of the Saxons by a still fainter semblance of a claim. The testamentary bequest alleged by William could not, by those who had just witnessed the undisturbed acquisition of Maine under the like title, be thought inferior to the turbulent vote of some Saxon chiefs, partisans of Harold. The reasons (if they may be so called) set forth, might in some degree content their respective parties; but were at bottom no better than a jumble of every topic that could be thought likely to give a colour of plausibility to their pretensions, without regard either to their solidity or their consistency. Of such topics the only effect is to divert the mind from contemplating the nakedness of the usurpation, to varnish, however thinly, the exertion of brute force, and to lessen somewhat the angry wonder which is naturally excited by an open appeal to the sword. On this occasion no Anglo-Saxon could have such a sense of the justice of the pretensions of one candidate as would inspire him with moral disapprobation (whatever might be his dislike or disinclination) of the assumption of power by the other. As neither had any right to the subject in dispute, none could do wrong to the other.

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IV. bequest of Edward, which, though not proved, it
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to Saxon prejudices than that of Harold.

Meanwhile the claim of Harold, such as it was, was discredited by an incident, variously related. Shortly before the death of Edward, he had landed, or had been driven on shore, in France, near Abbeville; where the count of the district made him prisoner according to the barbarous usage which then treated shipwrecked persons and foreigners of importance as lawful spoil. Harold obtained leave however to go into Normandy, by alleging, truly or falsely, that he was entrusted by Edward with despatches to duke William. William received him courteously, and released at his desire a nephew of his who had been placed in the duke's hands as a hostage. He then imparted to Harold those hopes of the English crown with which he was now animated. He requested the aid of the Saxon, with many assurances of advancement and favour. Harold did not, perhaps durst not, refuse to make the promise required. Committed so far, it was probably difficult for him to refuse the next request that was made, which was, that he should confirm his promise by a public and solemn oath. Thus taken by surprise, he swore on the missal, and the by-standers called out, "So help him, God!" As soon as the oath was completed, William, ordering the missal to be removed, showed to the astonished Harold a vessel underneath, filled with sacred relics, bones of saints and martyrs, and other memorials of the holy men of the Church. The moral principles of the age, however, were not shocked by this palpable circumvention. Harold rested his defence on the dangerous ground of compulsion; urging the doubtful plea of having been released from his obligation by the choice of the "witenagemote," an argument which would have been more plausible, if he had not himself procured the election, and involving an

admission, that the oath had been actually taken, and was originally binding. The fact could not be so explained as to counteract the vague abhorrence of oath-breakers, with little distinction of cases, which is one of the few effectual restraints on treachery in a superstitious age. It greatly aided the negotiations of William in Italy; whither he had sent Lanfranc, an Italian monk of great ability, to obtain a declaration from the Holy See in favour of his enterprise.

Hildebrand, who soon after ascended the papal throne, after having reigned over the church for many years, through a succession of his creatures whom he had raised to a titular popedom, had then completed his portentous and tremendous scheme of an universal theocracy, administered by the pope; in which all civil rulers were to be treated as subordinate and removable officers. He was undoubtedly the greatest man of his age, combining original genius, commanding spirit, and undaunted courage, with an exemplary life, and with principles apparently disinterested.

The astonishing pretensions which had almost triumphed in his vigorous hands were deduced from simple and apparently true premises. Most associations of men exercise the power of expelling delinquent or obnoxious members; excommunication was accordingly practised by the apostolical church, as it is at this day without being called in question by the humblest meetings of Quakers. It would be absurd that civil rank and authority should involve exemption from ecclesiastical censure. So far the reasoning seems indisputable. The next step was alarming; the faithful being forbidden to hold intercourse with the excommunicated person, they could scarcely perform any active duty towards him. It therefore became unfit for the subjects of an excommunicated king to obey him in peace, or to serve him in war; and when the sovereign pontiff expressly absolved them from their allegiance, he seemed only to be warning his

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children against the consequences of acting under the commands of a man excluded from participation in sacred rites. Another reason, equally simple, offered itself. In the many contests between different states, and between subjects and rulers, it was often difficult to determine on which side justice lay. As it was their moral duty to satisfy their consciences on this head before proceeding to violence, they could not consult any person more likely to be impartial than the common father of Christendom. As a king in matters of less importance took the advice of the private director of his conscience, so it became him to resort, in great difficulties, to the general confessor of Christians. It could not be blamable in the pope to mediate to prevent the effusion of blood. The rejection of his good offices naturally indicated conscious guilt; and might be so contumacious as to justify recourse to spiritual censures. In watching over the safety of the church, it was the duty of the pope to take care that the acts of civil government should not endanger it. Of the reality and extent of the actual danger he alone could judge; and he had no effectual means of defending her but by excluding enemies from her communion. As all subjects who abetted the aggressions of their rulers against the spiritual power were accomplices in that heinous crime, the pope might defend himself by the formidable sentence of an universal interdict, forbidding all those religious rites on which depended many of the most important transactions of life, and, in the opinion of the parties interested, even their eternal salvation.

A happier opportunity could scarcely have occurred for the exercise of these terrible powers, than on the application of so powerful a prince as William, in so signal a case as that of the English monarchy, against a competitor who had not humbled himself before the apostolic see, though it was only by an appeal to its authority that he could vindicate himself from the charge

of sacrilegious perjury. A bull was accordingly issued to William, containing the papal decision in favour of the justice of his claim, together with a consecrated standard to proclaim that decision to his followers, and a ring, with a lock of his holiness's hair, as a token of personal regard. It is hardly to be doubted, that the excommunication of Harold and his followers formed a part of the bull. The language of Malmesbury leaves no doubt that these declarations were considered as the award of a competent tribunal; and Hildebrand himself long afterwards took credit for having, on this occasion, dared to incur much odium from his colleagues.

The king of France received William's application for aid with caution: Baldwin, earl of Flanders, declined an open interference. But as soon as William had proclaimed the near execution of his project, he was joined by all the young knights of the neighbouring countries seeking renown, and by all the freebooters whom the prospect of plunder allured. Alan, son of the duke of Brittany, supposed by some to have been the progenitor of the house of Stuart, followed his standard. Four hundred and two knights are enumerated in the roll of "Battle Abbey." According to the proportion observed in that age, we may conclude it to be probable, that there were about four thousand cavalry, twelve thousand regular infantry, together with the ships' companies, forming altogether an army of twenty or twenty-five thousand men.* It was the most remarkable and formidable armament that the Western nations had ever witnessed, since some degree of regularity and order had been introduced into their civil and military arrangements.

On the 28th of September, during the absence of Harold in the north, William effected an unopposed landing at Pevensey, in the county of Sussex. Having thrown

* Sismondi, *Histoire de France*, vol. iv. p. 353.

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up intrenchments round his quarters, he advanced to take possession of Hastings, which he also put in a posture of defence. Harold flew from his northern victory to repel the invaders. He was followed by the vanquished and disaffected from beyond the Humber, under the great earls Edwin and Morecar; who having no heart for the enterprise, advanced slowly and arrived too late. Harold had incurred new unpopularity by taking the whole of the booty on that occasion to himself; and his brother's fall in the late battle was imputed to him as fratricide. It should seem as if the greater part of the Saxon and Danish population looked on with indifference, regarding the contest as affecting no other interest but that species of sovereignty in London which had hitherto only occasionally disturbed the licentious independence of the provincial potentates.

William offered Harold the alternatives of abdication, single combat, or appeal to the pope. All were alike rejected. He then offered to cede Northumberland to him, establishing his brother Gurth in Kent; declaring at the same time that if these moderate terms were rejected, he would proclaim Harold in the face of his army as a liar, and a perjured person, justly excommunicated by the holy father. Harold however treated this proposition also as he had done the former one. On the night following William announced his intention to his army of giving battle on the morrow, who are said to have passed it in devotion, uninterrupted by the noise of songs and revels, which arose from the Saxon camp. Next morning (Oct. 14th, Sunday) accordingly the Normans advanced to the attack. The Saxon army was posted on a rising ground about eight miles inland, on a spot where an abbey was soon after founded; and a village remains, which, in remembrance of this decisive engagement, still retains the name of "Battle Abbey." William rode in front of his army with the reliques on which Harold had forsworn himself hung round his neck,

and the standard which the pope had consecrated unfurled by his side. He briefly addressed them:—"You are to gain a rich booty. If I become king of England, you will be the owners of the land: vengeance and plunder are alike before you. You are to punish the perjury of the English. They massacred our kinsmen the Danes: they murdered the companions who followed prince Alfred from Normandy. Before you is the son of that Godwin who was charged with the murder of my unhappy cousin Alfred himself!" Taillefer, a Norman minstrel, inflamed the martial ardour of the men of Brittany, Normandy, Poictou, and Flanders, by singing those ballads, on the high deeds of Charlemagne and Orlando, which, since their dialects had melted into one common language, alike interested the sensibility of all, of whatever lineage, who were dwellers in France; playing with his sword in the air, tossing it up with one hand, and catching it as it fell with the other. With the leave of the duke, he began the onset, by cutting down two Saxon cavaliers, but was himself mortally wounded in the attempt to slay a third. The Anglo-Saxons, forming a compact body, received their assailants with battle-axes, with which they broke the lances and cut the coats of mail of the Normans. The Bretons in the left wing gave way. The English, with the rashness of undisciplined troops, pursued so eagerly as to be in danger of being cut off. The attack was renewed: the defence was again successful; and the duke was reduced to the necessity of luring the English a second time into this error by pretending flight. The expedient succeeded. Such however was the unshaken courage of the English, that, on the third attack, they again compelled the Normans to use this stratagem; which was equally successful this time also. The latter at length penetrated the Saxon lines, but the combat was still obstinately prolonged. Harold, to whose heroic valour historians on both sides bear testimony, received his

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death from an arrow, which, entering his eye, is said to have pierced him through the brain. His brothers, Gurth and Leofwin, still gallantly defended his standard. They were attacked and slain however by a chosen band of Norman volunteers; who, pulling down the Saxon standard, and erecting that consecrated at Rome in its stead, spread a panic among their adversaries, putting them to flight, and deciding at once the fortune of the day and the fate of the kingdom. The Conqueror on his part lost a fourth of his army, and had two horses killed under him. The battle ended only with the day.

Next morning, the victors reaped the first fruits of their victory in the pillage of the dead, whom they stripped of everything; and on whose carcasses, in the wantonness of savage joy, they caused their horses to trample. The mother of Harold sent two monks of the monastery which he had founded at Waltham, to implore William to grant her the dead body of her son, that its interment might be solemnised with the honours due to it. William, like Achilles, complied with her request; but the body was so disfigured, that they were unable to distinguish it. In this emergency, the monks are said to have had recourse to Edith, "the lady of the swan's neck," Harold's mistress, who with the keen eye of affection recognised the remains. The death of Harold raised him to a place in the affection of his countrymen which there is very little evidence that he occupied during his life. As a man of spirit and enterprise, whose rise was dazzling, and who had the good fortune to die in battle with foreign invaders when the independence of a nation coincided with his own aggrandisement, his short rule interests the reader of English history.

The first care of William after his victory was to secure his communication with Normandy by the complete reduction of the coast. He besieged and took the castle and town of Dover: the inhabitants of Kent made

their peace with him. During his cautious advance towards London an attempt was made to make a new and vigorous stand, under a more legitimate champion.

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Edgar appears to have been acknowledged in London for a short time; performing some acts of regal authority, the validity of which was never afterwards questioned. The opposition of the bishops however to any pretensions but those of the candidate favoured at Rome, saved the unfortunate boy, then only fourteen years of age, from so unequal a contest. William, considering it safer to master a city, even then great, by gradual pressure than by sudden assault, drew his troops in a line all round London. Nor was it long before the siege was brought to a conclusion. The conqueror postponed his entry however till he had built a place of safety, which has since grown into the tower of London. At Christmas, he was crowned in Westminster Abbey, with some of that appearance of assent from the people, if not of election by them, which is still vainly affected in such solemnities. Stigand, the archbishop of Canterbury, who had been condemned as an intruder by the Holy See, and the choice of whom by Harold to consecrate him had contributed to the hostility of Rome towards that prince, was either rejected by William, or declined the performance of the office; in either case showing how great was the importance of the papal sanction to the Norman enterprise; and it devolved therefore on Aldred Archbishop of York. Edgar, and the Saxon chiefs of Northumberland and Mercia, submitted, as it should seem, even before the coronation. The youth suffered himself to be quietly stripped of the robes with which he had been invested, and was entertained by William with that outward courtesy, the offspring of contemptuous compassion, which it is safe, and sometimes politic, to lavish on an insignificant pretender. The next step of the conqueror was to encourage the Normans, and to assert the legitimacy of his government, by distributing among his

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followers the lands of the English, whom he pretended to treat as rebels. He placed the strong holds and principal towns in the hands of trusty adherents, and, after re-establishing the payment of "Peter's pence" to the Roman see, and sending the standard captured from Harold as a trophy to Rome, he re-embarked in the month of March for Normandy, carrying in his train Morecar, Edwin, and Edgar; thus depriving the Saxons of leaders in the field, and of the only points round which they could rally. Odo, bishop of Bayeux, the son of William's mother by a plebeian husband, was left in charge of the government of a country as yet rather militarily occupied than securely conquered. This occupation appears to have embraced the country eastward and southward of a line drawn from the western boundary of Hampshire to the northern point of the coast of Norfolk, together with part of the counties of Shropshire and Hereford. Commotions in the latter and in Kent were immediately suppressed by the Norman viceroy. Amidst the murmurs of the indignant Saxons, threats were uttered of a vengeance as terrible as that which their fathers had wreaked on the Danes; the rumour of which must have been easily believed by conquerors conscious of oppression. These alarming occurrences recalled William from his continental dominions in December following.

In what may without impropriety be called his second campaign, he turned his arms against the Saxons of Devonshire; who, supported by their British neighbours in Cornwall, and animated by the presence of Harold's family, had refused to acknowledge his government. Betrayed by the thanes, the more generous people made a gallant stand against the invaders; but were compelled to submit at last. About this time Edgar was carried to the court of Malcolm, surnamed "Ceannmore," king of Scotland, who married his sister, the princess Margaret, after the death of her brother

Edgar, the representative of the royal house of Wessex. Many of the Saxon nobles followed; and, being mingled with subsequent emigrations of disaffected Normans, became the founders of the greater part of the Scottish nobility.

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No foreign soldier, however, as had yet been seen beyond the Humber: even into Mercia the Normans had made only occasional inroads. The reduction of the central and northern provinces proved a more arduous undertaking than any that William had hitherto been engaged in. Early in the summer he began his movements against warlike people, who wanted nothing but skilful commanders and a centre of union to have made a resistance as successful as it was glorious. It is not easy to ascertain the order of the occurrences of this campaign. It is not clear, whether his advance was hastened by the reception of the exiles in Scotland, or the flight of Edgar and his family was occasioned by the invasion of the northern principalities. The successive reduction of Oxford, Warwick, Nottingham, Leicester, Derby, and Lincoln, after obstinate resistance, attested by the ruined condition of these towns at the survey a few years after, sufficiently indicate the boundaries of the territory won at Hastings. Some progress in the reduction of Mercia was undoubtedly made. Norman chroniclers tell us that William was not only resisted in the fortified places but in the field, on one occasion, in an action where the Saxons were worsted. He established an advanced post at York; and, contenting himself with formal submission, and an armistice, probably not guarded by any stipulations, he hastened southwards to meet the son of Harold, who had obtained a victory over the invaders near Bristol, and threatened to revive the war in the west. The western provinces rose; but as his pretensions were irreconcilable with those of Edgar, there could be no hope of co-operation from the people of the

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The renewed campaign of 1069 opened with appearances threatening to the Norman power. York had been recovered: the Saxons had assembled in great numbers in the inaccessible districts: those of the south threw themselves into the woods with their wives and children, choosing rather the life of outlaws and to subsist by plunder, than the yoke of Norman thralldom. Some of the Norman nobles, wearied by the constant assaults of the Saxons, retired in disgust to their castles at home; and symptoms of dissatisfaction with their insecure acquisitions were shown by more. Robert de Comyn, in defiance of the warning of the bishop of Durham, ventured to occupy that strong but detached position. On the day after his entrance, the Northumbrians burst into the town, putting the governor and nine hundred of his Normans to death. Encouraged by this example, the people of York besieged the garrison of the castle. The Normans burnt the city; but the people, with the aid of a Danish army which had come to their assistance, destroyed the strongholds. Edgar Atheling appeared at York, and was acknowledged king. His authority extended from the Humber to the Tweed; and he was supported by the kings of Denmark and Scotland. But William was never wanting in speed and resolution. He hastened to the north, defeated the allied armies, and once more advanced to the Tees. The result was terrible in the extreme. It is the principle of conquerors to treat a vanquished people more severely in proportion to the valour and pertinacity of their defence. The country north of the Humber was ravaged with such ferocity, as to be described by the friends as well as the enemies of William in terms of indignation; proving that it far exceeded the ordinary misdeeds of conquerors in an age when the mildest warfare was atrocious. "From York to Dur-

ham not an inhabited village remained! Fire, slaughter, and desolation made it the vast wilderness, which," says William of Malmesbury (sixty years after), "it continues to this day." From the Tees to the Tyne the army in its advance spread the same desolation: bare walls, and fields without a trace of tillage, were all that was to be seen. Some of the country people, taking refuge in the mountains and forests, tried to subsist by plundering their oppressors: many sold themselves into slavery: the flesh of dogs, horses, and even men, was greedily devoured. It was horrible to look into the ruins of houses, or on the streets and roads, and see them strewn with human corpses in a state of putrefaction. None were left to perform their burial. Pestilence stalked in the train of famine. What was called peace was thus imposed on the Northumbrian territory. The king of Scots submitted, after having contributed to the desolation of the country which he had come to defend; the object and extent of which submission was for ages the subject of disputes equally angry and frivolous. Edwin and Morecar could no longer make any resistance. Some accounts represent the Danes, either satiated with spoil or bribed by William, as having deserted their unfortunate allies in this their extreme need. The Saxon cause seemed utterly broken.

The Conqueror regarded himself as rightful king of England from the date of his proclamation in London. He saw the alienation of the inhabitants; and wherever they resisted the attacks of himself or his lieutenants, he seized their lands, and took their lives as rebels. Confiscation gleaned whatever conquest had spared. He granted the county of Chester to Hugh, who earned even in that age the surname of the "Wolf." The earl appointed a Norman, named Lenoir, or Nigel, his constable, with extensive grants of land, and power of life and death. Lenoir established five of his brothers with the like charter of murder and rapine; probably, a fair

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example of the manner in which these tremendous powers were lavished on hungry adventurers, reeking from blood, and from the perpetration of atrocities not to be named.*

In this manner the settlement of the country became as cruel as its conquest. The annalists who speak of the treatment of all who were guilty of being wealthy might be suspected of exaggeration, if the experience of all ages did not show that such horrors, even in less barbarous times, attend all measures of sudden and sweeping confiscation. The contests between those who are corrupted by its practice and those who are incensed by its infliction, are among the most dreadful evils which tear asunder human society. Many of the Saxons left a land which was no longer their country. A band under Siward, Earl of Gloucester, found their way to Constantinople; were employed against another party of their mortal enemies, under Robert Guiscard; and maintained their reputation for valour and fidelity to the latest times of the Eastern empire. There was still, however, a formidable assemblage in the great district of the Fens, Lincoln, Norfolk, Cambridge, Huntingdon, and Bedford, where the rich abbeys of Thorney and Croyland had formerly been established. Hereward, one of the most resolute and unshaken of the Saxon chiefs, fortified a camp in the isle of Ely immediately after the close of the northern war. Morcar, together with Stigand, Archbishop of Canterbury, Elgwin, bishop of Durham, and the most conspicuous of the remaining Saxons, repaired to this camp as to the last asylum of Anglo-Saxon independence. Morcar, however, a weak and fluctuating man, was allured from his sanctuary, and imprisoned for life. Hereward made a last and

* Thierry, *Histoire de la Conquête de l'Angleterre*, vol. ii. p. 122. A writer equally admirable for eloquence and research, whose citations

have generally appeared to me very faithful. The spirit of system has, in the succeeding parts of his history, led him into exaggeration.

manful stand for the Saxon name, in which he was assisted by the Abbots of Peterborough, Ely, Thorney, and Croyland. He was also aided by a Danish troop, which, however, quitted its station in a manner to give occasion to a new charge of treachery against their nation. William besieged, or rather blockaded, the camp; but was obliged to open a passage over the marshes, by constructing a wooden causeway of three miles in length. The Saxons set fire to it, destroying many of the assailants. They defended themselves till the monks of Ely, impatient of the privations of a blockade, made their peace with the enemy, admitting them into their monastery, which formed part of Hereward's line of defence. It is consolatory to know that these monks were punished for their cowardice and treachery by the severe exactions to which they were afterwards subjected. Hereward, whom the Norman poets honoured with the name of the "hardy outlaw," kept his ground like another Alfred, when all around him were subdued. Unshaken valour was a virtue which the Conqueror knew how to admire; and while he imposed contributions on the monks, he restored the last of the Saxons to his possessions, on condition of the latter's taking no active measures against his authority. Hereward, however, had been too formidable to the Normans for them ever to forgive the struggle he had cost them. He was slain not long afterwards, after one of the most valiant defences on record, by a party of that nation, whether set on by William or not is uncertain.

The subjection of England would have been incomplete without that of its church also. A council was held at Winchester, at which the Saxon Archbishop of Canterbury was deposed on specious pretences, and Lanfranc raised to that see; a man otherwise worthy of honours, but a creature of William, and a slave of Rome. Various expedients were adopted by this as-

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sembly to deprive the Saxon prelates of their bishoprics, in order that their places might be filled by others devoted to the new government; and that the revenues of the church, as well as the lands of the laity, might be converted into a fund for rewarding Norman adventurers.

William now ventured on a second visit to Normandy, where he was engaged in petty usurpations on his neighbours. Edgar Atheling, whose efforts were always tardy, tried, at this desperate period of the Saxon fortunes, to procure aid from the king of France and the earl of Flanders, for an attempt upon England. Disappointed in his hopes, he was taken prisoner, passing many inglorious years at the court of Rouen. At a subsequent period, he followed a crusade to the Holy Land; and one of our latest accounts of this last pretender to a descent from Odin is, that he was alive in the time of William of Malmsbury, exhibiting the unseemly sight of the representative of Alfred feeding on the crumbs that fell from the table of a Norman tyrant. Though the English nation owed their ruin in some degree to his pusillanimity, yet they looked on him with fondness as a relic of their departed greatness; and their affection for him was daily strengthened by their hatred of their new rulers.

The subjugation of England has been related more fully than the scheme of this narrative will allow, both on account of the magnitude of the revolution, and because the true nature of the Conquest has not been correctly set forth by modern historians. It was a slow, not a sudden change. The territory won at the battle of Hastings was less than a fourth of the kingdom. It was bounded on the north and west by a line which we cannot confidently fill up, but which extended from Dorset to the bay between Norfolk and Lincoln. The successive contests in which the Conqueror was engaged ought not to be regarded as measures to quell rebellion.

They were a series of wars, levied by a foreign prince against still unconquered portions of a valiant and independent people. Their resistance was not a flame casually lighted up by the oppression of rulers: it was the defensive warfare of a nation which took up arms to preserve, not recover, their liberties. There are few examples of a people who have suffered more for national dignity and legitimate freedom.

The Britons are, perhaps, too far from us in time to admit much fellow-feeling with them. When we stretch out our hands towards the heroes of that early people, we scarcely touch more than a shadow. But let us not distort history by throwing the unmerited reproach of want of national spirit on the Anglo-Saxons; thus placing an impassable barrier between ourselves and the founders of our laws and liberties, whose language we speak, in whose homes we dwell, and in whose establishments and institutions we justly glory.

The wars of William for the conquest of the west, the north, and the east, were protracted for seven years after the battle of Hastings. Had the character of Edgar been more elevated; had he been even set up as a royal pageant at the moment of Harold's coronation, it may be doubted whether the invasion would have been attempted. If Harold had delayed the battle till the arrival of his reinforcements, it seems probable enough, from the obstinate defence made at Hastings, that the result might have been different. If the claims of the latter's family could have been reconciled with the rights of Edgar; if the Danes had been more faithful, and the Scots more powerful; if it had been even possible to keep up a co-operation between the armies of the north and those of the west, we may rationally believe that the northern chiefs might have succeeded in their defence. In spite of all their misfortunes, the Saxons gave full time for other states to interpose, if any of them had taken alarm at the growing power of

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William. But the people of Europe were then incapable of understanding their common interest in preventing unjust aggrandisement. No potentate could see any object beyond the strife in which he was personally engaged. Communication was tedious and unsafe; concert became almost physically impossible, even if the princes of that age had been justified in trusting each other to that limited extent in which mutual confidence is necessary to hold together even a gang of banditti. The king of France saw the progress of his overgrown vassal with indifference; the earl of Flanders was a passive spectator of the aggrandisement of his rival and neighbour. More distant sovereigns heard of the conquest of England by a powerful lord of the continent with less concern than modern Europeans would feel at the intelligence of a new Tartar invasion of China.

The remaining events of the reign of William are not of importance enough to require recital. A great booty usually sows dissension among the plunderers. Where there is no principle of justice recognised by all, every man measures his share only by his appetite. The Norman barons, discontented with their allotment of spoil, rebelled against William. They were joined by some Saxon chiefs; and both parties blended their contradictory grievances in invectives against him. He put down their conspiracy, however, putting to death Waltheof, the last of the earls, on whom he had formerly bestowed his niece Judith in marriage,—a lady, who is said to have used her influence with the Conqueror to rid herself of a husband no longer acceptable to her. Waltheof was no further guilty than in not having disclosed the conspiracy; but his wealth was his crime.

This year William sailed over to Normandy to suppress another revolt, that of his eldest son Robert, surnamed "Curthose," to whom he had promised, when on the eve of embarking for England, that he would

resign the duchy if he became quiet possessor of the English throne. When that event happened Robert, agreeably to the promise given him, demanded Normandy and Maine. William answered that he should not undress until he had thoughts of going to bed. Such conduct excited little horror in an age when the title to sovereign power was unsettled; when monarchs were accustomed to divide their dominions among their children; and when, during their own lives, they often appointed their sons to be viceroys of remote provinces, with almost regal powers. These grants might sometimes be necessary to enable the favoured son to take possession of his destined inheritance. The reign of a conqueror, by weakening the restraint of principle, gave the reins to the impatient ambition of an heir apparent. The hostilities between the father and son, being fomented by the king of France, lasted for several years, and were closed by an incident more interesting than any political event. Robert, besieged in the castle of Gerberoi, in one of his sallies, wounded and unhorsed an aged knight, whose countenance was concealed by his helmet; and was about to pursue his advantage, when he recognised the voice of his father. He dismounted, knelt, and with a flood of tears, embracing his father, implored pardon. Some writers represent William, also, as overcome by natural feeling; but, according to the more credible testimony, the old king, smarting with his wound, hardened by ambition, inflamed by anger, was inexorable, pronounced a curse on his repentant son, and was only persuaded by the importunities of his wife and nobility to consent to an apparent reconciliation.

While engaged in his usual desolating warfare, he came before the town of Mantes, and commanded it to be burnt. The houses were consumed, and some monks perished in the flames of their monasteries. The king, eager to press forward, galloped over the smoking ashes.

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which caused his horse to plunge so violently as severely to wound the unwieldy rider in parts which were before afflicted by a painful malady. He was carried to Rouen, where he withdrew from the noise of the capital to the adjoining abbey of St. Gervais. There he breathed his last, after commanding that a sum of money should be given to the clergy of Mantes (Sept. 9th); that the like compensation should be made to other towns which had suffered from his violence; and that the English prisoners, Morcar, Siward, and Ulnoth, the brother of Harold, should be set at large. He consented, however, with great difficulty to the release of his brother Odo, whom he declared to be without faith or humanity; thus pronouncing the greatest condemnation on his own government, of which the man so described had been the first minister. These inadequate atonements for irreparable crimes deserve mention only because they proclaim to the oppressor and the oppressed, that there are moments when conscience will resume her authority, striking terror into the heart of the most fearless tyrant.

It cannot be doubted that William surpassed all his contemporaries in capacity for command, certainly in war, and probably also in peace. Sagacity, circumspection, foresight, courage, both in forming plans and facing dangers, insight into character, ascendant over men's minds; all these qualities he doubtless possessed in a very high degree. All that can be said in extenuation of his perfidy and cruelty is, that he did not so far exceed chiefs of that age in these detestable qualities, as he unquestionably surpassed them in ability and vigour. It may be added, that if he had lived in a better time, when both his competitors and himself would have been subject to equal restraints, he would have retained his superiority over them by force of his mental endowments. It is also true, that contests with lawless and barbarous enemies, to which a man is sti-

mulated by fierce and burning ambition, are the most severe tests of human conduct. The root of the evil is the liability of the mind to that intractable and irresistible frenzy.

The Saxon chronicler, who tells us that he had lived in William's court, gives him the praise of being wise; which is just, if wisdom can exist without virtue; of energy, stateliness, splendour, mildness and generosity towards the clergy, who were his instruments of rule; and of severely executing justice upon all robbers except those of his own band. But "so stern was he and hot, that no man durst gainsay his will. He had earls in prison; bishops he hurled from their bishoprics. He overran Scotland; and he would in two years more have won Ireland. In his time had men much distress. He took money by right and unright. He made many deer-parks, and he established laws by which whosoever slew a hart or a hind was deprived of his eyesight. He forbade men to kill harts or boars, and he loved tall deer as if he were their father. He decreed that hares should go free. Rich men bemoaned, and poor men shuddered; but he was so stern that he recked not the hatred of them all." The Saxon, even amidst the ruins of his country, considered the sacrifice of the lives of the many to the amusement of the few, as a species of tyranny more insolent and intolerable than any other.

Two legal revolutions, of very unequal importance, occurred, or were completed, in the reign of the Conqueror: the separation of the ecclesiastical from the civil judicature, and the introduction, or consummation, of the feudal system. Justice had been chiefly administered among the Anglo-Saxons in the county, or rather hundred, courts, of which the bishop and alderman were joint judges, and in which the thanes were bound to do suit and service, probably to countenance the judgment, and strengthen the authority, of the

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court. The most commendable part of William's policy was his conduct to the pope, towards whom he acted with gratitude, but with independence. He enforced the ecclesiastical laws against simony and the concubinage of the clergy. He restored, as we have seen, the donation of "Peter's pence": but he rejected with some indignation the demand of homage made by Hildebrand, elated with the impunity and acquiescence which had attended his pretensions to domineer over sovereigns. He seems to have introduced the frequent practice of appeals to Rome; without which, indeed, the patriarchal jurisdiction of that see was useless. But he separated the ecclesiastical jurisdiction from the civil; forbidding bishops to hold pleas in county or hundred courts, and limiting their power to causes of a spiritual nature. The immediate effect of this measure was favourable to clerical independence. Its ultimate tendency, however, was to liberate the civil judge from the ascendancy of the more learned ecclesiastical, and to place the inferiority of a spiritual court in a more conspicuous light, by rendering it dependent for coercive authority on the secular arm. It seems probable that, without such a change, the bishop must have at last wholly governed the earl, and the spiritual power would have been deemed as much entitled to coercive authority as the civil.

It is certain that the system of government and landed property, commonly known throughout Europe as the "Feudal System," began in England with the reign of the Conqueror. It is now as clearly established, that it did not arise on the conquest of the Western empire. It is improbable that so peculiar a system should have been introduced all at once into a country. Yet there were many circumstances attending the Norman invasion to soften the unlikelihood of so sudden an introduction having taken place. The most reasonable supposition seems to be, that it was gradually prepared

in Anglo-Saxon times, and finished by the Norman invaders.

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At first it should seem that the chiefs of the Germanic tribes, out of the immense mass of property of the vanquished, granted considerable portions to their favourites, to their most distinguished soldiers, and to their most trusty advisers, perhaps without mentioning any conditions, but with the usual expectation of gratitude and fidelity; of which a flagrant breach was sure to be followed by the seizure of the land of the unthankful vassal, long before it became liable to forfeiture by the authority of established law. Lands so granted were ordinarily held for life; but became hereditary about the time of Charlemagne, by the gradual operation of the disposition of mankind to continue the possessions of a father to his children. The same general cause rendered the governments of provinces descendible under counts and dukes. The great proprietors of land, imitating the policy of the crown, engaged followers by grants of land, which went through the like process. In all cases the grantor was interested, disposed, and at length obliged by law, to protect the grantee, as much as the grantee was bound to render service to the grantor. The former was called the lord; the latter, the tenant relatively to the land, and the vassal relatively to the lord. All grantees having derived their property from the king, the latter became the most extensive lord. As every grantee might grant to another, many links in the feudal chain might intervene between the king, as lord "paramount," and the actual occupant of the soil, as tenant "paravail." The allodial, or independent, landholders, exposed to the attacks of potent lords, and unprotected by superiors or followers, gradually surrendered their perilous independence into hands which were powerful enough to secure it. Thus the Feudal System became in the course of five centuries nearly universal, and may be said to have reached its

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IV. The greater part of the allodial land had in the eleventh
1087. century become feudal. The Normans, as well as the
French, had adopted this system. There are traces of
it, and advances towards it, discoverable even among
the Saxons. Military service was performed among
the latter. They swore fealty, though not homage;
and their "heriot" is not discoverably different from the
feudal "relief," or money payable on succession. The
confiscation of an immense part of the land of England
for real fidelity and pretended treason, and the policy
of placing the government and the land in the hands of
William's followers, gave him an opportunity of estab-
lishing a feudal constitution, together with means of
supporting it, and motives for immediately introducing it,
which scarcely existed in any of the continental nations;
among whom, therefore, it had grown up more slowly.

As authority was won and exercised by war, the
military was the animating principle of the civil ad-
ministration. The lord, who had the right to the
military service of a district, was the only person who
had the means of exercising any authority in it. The
vassal swore fidelity to his lord, who thereupon invested
every successive tenant with his land. Every lord had
courts, at which his tenants were obliged to serve him
in distributing justice among his vassals. The king
was the chief lord; but his jurisdiction was limited to
his immediate tenants and his own domains. Every
new inheritor paid a sum of money, under the name of
a "relief," to his lord on his investiture; while every
tenant paid a fine for leave to alienate his fief. This,
however, was forfeited for breach of the contract; and
it escheated, that is, fell to the lord, when the de-
scendants of the first grantee had either become extinct,
or, by any offence, incapable of inheriting. It was
a natural arrangement in such circumstances, though
it grew to be an intolerable grievance at last, that the

lord should be the guardian of his minor tenants, and should have the disposal of his wards, female as well as male, in marriage. The right of the most petty chief to lead his vassals against their neighbours was unquestioned. Private wars raged constantly. All the military tenants were, directly or indirectly, bound by an oath of fealty to the crown; but the obligation was frequently eluded, and revolts were of constant occurrence. The king, though lord paramount, was often by no means the most powerful lord. William governed more men and a larger territory than the Capetian prince, to whom he was bound to do homage. A feudal kingdom was a confederacy of a numerous body of lords, living in a state of war with each other, and of rapine towards all mankind, and in which the king, according to his ability, or incompetency, was either a cypher or a tyrant, and the great mass of the people were in a condition of slavery. Had the feudal system not existed before, the circumstances of William's conquest would have been sufficient to produce it. It was, however, more easy to transfer it ready-made to a country where its foundations were already laid.

We have thus endeavoured to sketch a brief and imperfect outline of very singular institutions, which probably produced more misery in their first vigour, stirred up more energy in their course, and left behind them more good when the waters had dried up, than any other system upon which the human race has been governed. The moral and political influence by which they gave a peculiar character to society and government in Europe will often present themselves for contemplation in the sequel.

WILLIAM THE SECOND, surnamed "the Red," which the monks translated "Rufus," the Conqueror's second son, flew from Rouen the moment the breath was out of his father's body: and, by that monarch's destination,

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as well as by the influence of Lanfranc, was proclaimed and crowned king of England at Westminster, within seventeen days after the death of the Conqueror. By the advice of the primate, he distributed his father's hoards in the manner thought most likely to repair some of the effects of his crimes. Robert, who was absent in Germany, on receiving the tidings from Rouen, hastened to return to that city, where he was joyfully received, and peaceably proclaimed as duke of Normandy. Inflamed by the complaints of Anglo-Norman visitants, and by the instigation of his uncle, the restless Odo, he encouraged a revolt of the new English nobility against William, which became very general. The latter were not yet reconciled to considering their native country as a separate and foreign land. They naturally apprehended war between the brothers; an event very inconvenient to a body who held land in both countries. Mowbray, earl of Northumberland, Bigod, earl of Norfolk, Montgomerie, earl of Shrewsbury, with several military prelates, revolted in their different counties. Odo strengthened himself in the castle of Rochester, commanding the important county of Kent, where duke Robert was to land. The alarm was so great, that William called in the aid of the English. "The Englishmen," says the Saxon Chronicle, "went to the assistance of the king their lord. The Englishmen who guarded the sea met some men sent by Robert to prepare for his own expedition. They slew many, and drowned more." Their hopes of succour thus being cut off, the Norman chiefs were compelled to fly, or to submit. William loaded his new allies with thanks and promises, and from that moment they began to rise in consequence. Contested titles and a disputed succession obliged him and his immediate successors to make concessions to a people so much surpassing the conquering nation in numbers. These sources of terrible evils at the time to England became

the causes of its final deliverance. William carried the war into Normandy, and more than once imposed hard conditions of peace on Robert, a man of much levity and irresolution, whose occasional kindness and generosity proved in such an age as ruinous to him as his vices. An anecdote is told of his disinterestedness. Henry, the younger brother, held out fortresses in Normandy against the king and the duke. Besieged in St. Michael's Mount without the necessary supply of water, he appealed to the compassion of his brothers, proposing to decide their disputes by a more generous warfare. Robert yielded. William smiled at his pity, and doubtless saw in it the means of his own aggrandisement. His government of England seems to have been an union of rapacity with prodigality. The kingdom was plundered to extort the means of ministering to his gross pleasures, and of enriching his worthless favourites. He waged an ineffectual war against the Welsh; whom, after the example of his father in the case of the Saxons, he termed rebels. Some modern writers have unworthily laboured to extenuate his rapine because it comprehended the clergy; as if it was no fault to oppress Lanfranc, to whom he owed the crown, and his successor Anselm, one of the most learned and virtuous men of his age. England, by his accession, only exchanged a wily and wary tyrant for an unrestrained and licentious youth. Even the Saxon chronicler, biassed as he must have been by the alleviation of the prospects of his countrymen, declares William Rufus to "have been loathed by nearly all his people, and odious to God." His death was, in some measure, suitable to his character. One Sir Walter Tyrrell shot him accidentally, with an arrow, in the New Forest, the scene of his father's desolating tyranny, in the midst of noise and confusion, probably increased by intoxication, and while engaged in those sports to which his family had sacrificed human victims.

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Some years before, Robert had mortgaged to him the duchy of Normandy, to enable him to join the holy war then about to be levied, to punish the Mussulman rulers of Syria for the cruelty, insolence, and ignominy which they had long inflicted on the Christian pilgrims who repaired to the sepulchre of Christ. These pilgrimages to the holy places at Jerusalem had long been regarded as a wholesome discipline, and an acceptable worship from the earliest ages of the Christian church. The Arabian caliphs encouraged them, as a source of revenue; but the Turks, irreclaimable barbarians, impelled by a dire fanaticism, imposed burdens altogether intolerable on the pilgrims. The cries of these consequently had long resounded through Christendom. Peter, a hermit of Picardy, had been an eye-witness of their sufferings. He painted them vainly to the great, but with effectual though plebeian eloquence to the people. He thus obtained that power which always crowns the exertions of the patient enthusiast; and, after many disappointments, was called to the aid of the sovereign pontiff, in kindling the zeal of Europe against the robbers and bigots who oppressed Palestine. Pope Urban II. convoked a general council at Clermont in Auvergne, to which he addressed an oration of no contemptible eloquence, and with topics of persuasion skilfully adapted to the feelings of his audience. The substance of this oration, which was a written one, is preserved by William of Malmesbury, who assures us that he has retained parts of it unchanged. "Go!" said Urban, "with confidence, to attack the enemies of God. The cause of your labours will be charity (that is, piety joined to benevolence): the wages of charity will be the favour of God: the favour of God is followed by eternal life. They have usurped Asia, the greatest part of the globe, where sprang up all the branches of our worship, and which the apostles have consecrated by their martyrdom. They usurp even the sepulchre

of our Lord, and sell admissions to that city, which ought above all others to be open to all Christians. The Turks and Saracens oppress even Spain, a noble part of our own Europe. They threaten the rest. Let such as will fight for Christianity put a red cross upon their garments, as the symbol of the Redeemer's sufferings, as an outward sign of their own love. Go, and employ in noble warfare that valour and sagacity which you waste in civil broils. Do you fear death? Death hastens the entry of the good into their country: death hinders the ungodly from adding to his wickedness." While the exhortations of the hermit Peter were not yet forgotten, the pulpits of every country re-echoed the oration of Urban.

The simple hearts of the people thrilled at the misery of their pious brethren, and burnt with indignation against the unbelieving tyrants. The warlike spirit of the age was set in motion by religion, by glory, by revenge, by impatient valour, by a thousand principles; which, being melted into one mass, were not the less potent because they were originally unlike and discordant. Many of the most illustrious lords of Christendom took up the cross. Old men, women, and children eagerly followed the sacred banner. An army poured in from every country under illustrious captains, of whom the foremost were, Godfrey, duke of Brabant and Bouillon, Robert of France, the brother of Philip, and Robert duke of Normandy, the son and brother of English kings. Bohemond, the chief of the Normans of Apulia, and Raymond, count of Toulouse, led many renowned warriors to Palestine. The tumultuary populace who followed suffered evils unknown to modern war. Even the more regular troops must have endured what is hardly conceivable by men accustomed to civilised and mitigated warfare. Without magazines, without surgeons, with no more discipline than pressed them onwards in a confused mass, they marched into countries

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ravaged by invaders, or exhausted by tyrants, of which they knew neither the local circumstances, nor the language, nor the manners, through climates to which they were utterly strangers, and where they were ignorant of the diseases engendered by the different seasons. Robert duke of Normandy, who led the English and western French, was assisted by Robert, earl of Flanders, and Stephen, earl of Blois. In spite of all misfortunes, Bohemond established himself at Antioch; and after a siege of two months, the ancient and holy city of Jerusalem was taken by assault, with a prodigious slaughter of the garrison. Ten thousand were slain on the site of the temple of Solomon: more were thrown from the tops of houses: many were put to death after resistance had ceased.

Terrible as were these excesses, they arose from the boiling passions of an undisciplined multitude, bearing no likeness therefore to the licence granted by a civilised commander to obedient soldiers when a city is taken by storm. These passions, composed of the union of all that is kind with all that is fierce, of the basest with the grandest elements of our nature, produced a corresponding prodigious variety of deeds. It is hard for a writer, or a reader, more separated by opinions, by manners, and by situation, than by an interval of eight centuries from the victorious crusaders, to form even a faint conception of their state of frenzy, when, sore with wounds, heated by bloody conflicts, and flushed with success, they came to see and handle the ruins of the temple, the holy sepulchre, and all the scenes of sacred story, dear and hallowed in their eyes from infancy; and at the same moment beheld at their mercy the men who had defiled these holy places and had spoiled innocent pilgrims whose only offence was that of worshipping God where He most abundantly had poured out the treasures of His goodness. The gentleness and humility of a religion of forgiveness had on their distempered, yet not, per-

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haps, depraved hearts, more than the power of the loudest cry of vengeance for long indignities and outrages. What wonder, then, if, maddened by confused emotions, in which, perhaps, rising compunction began to swell, they rushed recking from slaughter to raise their bloody hands in prayer, and to pour forth tears of contrition and affection prostrate before the shrine of their God! The power of the feelings excited by those places which call up the remembrance of revered men, and their noblest actions and sufferings, never could have been greater than it was to the deliverers of Jerusalem; and the subtle links which combine good and bad passions could hardly ever have been stronger.

Godfrey, a hero worthy of everlasting honour, was chosen by unanimous suffrage to be the first Christian king of Jerusalem: Bohemond, the son of Robert Guiscard, reigned at Antioch: Baldwin, the brother of Godfrey, at Edessa; and the count of Toulouse at Tripoli. The Christian sway stretched from the confines of Egypt to the Euphrates, and to the approaches to Mount Taurus. Some of these principalities lasted for nearly two hundred years.

No war is just which is not defensive. By that principle the expeditions for the recovery of the Holy Land must, like all other wars, be tried. It must be owned however, at the outset, that the Europeans of that age did not conform to the technical rules of international law. They did not make a formal demand of reparation for wrong, and of security against danger. They did not enquire whether the possession of Palestine could directly add to their means of defence. Nor did they content themselves with a moderate succour to the Greek empire, as some modern writers have asserted. But, is the disregard of technical rules always attended by violation of their principle? There can be no doubt that embassy and negotiation would have been vain. It was lawful for them to defend the safe exercise of their

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religious worship in Palestine; and it was also for them to determine where they could best defend their violated rights. The avowed principle of all Mahometans, that they are entitled to universal monarchy, a principle, consecrated by their religion, and enforced by their law, might of itself be considered as a sort of perpetual declaration of war against states of a different faith. But in the eleventh century this insolent pretension was maintained by arms, with a success the most alarming to Christendom. About that time, Europe in different parts of her frontier showed her sense of danger by beginning to resist the invaders. The expeditions against the northern and Sarmatian pagans manifested, though in an unwarrantable form, the like vague and confused fear. The tottering state of the Greek empire, and the successive invasions from Tatars, renewing the valour and barbarism of the southern Mahometans, combined to threaten the eastern frontier of Christendom. Mahometans acted on one principle, and as one body: Christians were justified in acting, and were compelled to act, with the like union. According to the most rigid principles of international law, an attack by the latter on any Mahometan territory was an act of self-defence: it was the means of securing the aggressor against attack. European rulers could undertake no such perilous enterprise without the hearty and enthusiastic concurrence of their people. Nothing but a strong feeling could have bound together all the scattered power of a feudal force. It was lawful therefore to rouse their spirit against the wrong-doers, and excite a zeal necessary for an effectual defence. The only means by which these ends could be attained was an appeal to the sympathies and religious sentiments of their subjects. These grand springs of human action were brought into play by an expedition for the sake of the pilgrims who could not be really safe without the establishment of some Christian authority in Palestine. No cold repre-

sensation of distant and disputable dangers could have put such masses in motion.

But were not the feelings of the people perfectly justifiable ? Is it true that nations, while they may maintain at the point of the sword every rock and islet of their old possessions, are forbidden to defend the undisturbed exercise of religion, which may — and if real, must — be their dearest and most precious interest ? Assault on their native territory cannot more wound and degrade them than outrage towards what they most reverence. They had acquired, by a usage older than Mahometan power, a right peaceably to visit Bethlehem and Calvary, and their rulers were morally bound to protect that right. As every state may maintain its honour because it is essential to its safety, so Europe had a right to defend her common honour, which consisted in resisting, or averting by chastisement, attacks on her common religion.

It is not true that every war which is disinterested and generous, which is waged against persecution or tyranny, is therefore forbidden by international law. Though it is dangerous to allow too much latitude where virtuous motives may be used as pretexts, yet it is also certain that every nation which supinely contemplates flagrant wrong, weakens its own spirit as well as lessens its own reputation. A just and brave people may be wrongfully deprived of the confidence and esteem of other nations ; but not of the efficacy of remembrances, assuring the world that they who have already fought for justice in the cause of others, may contend more for right than interest in their own. If it is good for an individual to be disinterested, to help the miserable, to defend the oppressed, these virtues must equally contribute to the well-being, honour, and safety of communities.

The European law of nations is well adapted to a body of states of the same general character, and pro-

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fessing reverence for like principles of justice. In the ordinary wars of such states, its rules are of sacred authority. In relations, however, with communities of a different character, and on occasions too new and important to be embraced by precedent, while its principles retain their inviolability, its rules must sometimes yield. It seems morally evident, that whatever a nation may lawfully defend for itself, it may also defend for another, if called upon to interpose. It is true that ambition often converts these principles into prettexts; but ambition deals in the same manner with all the purest motives of human conduct. Our blame is not in such cases to be lessened; but it is to be applied, not to the principle avowed, but to the hypocrisy and fraud practised under colour of it.

Much doubt has been thrown on these questions by the general condemnation of religious wars. This phrase is equivocal. Wars to impose religion by force are the most execrable violation of the rights of mankind; wars to defend it are the most sacred exercise of these rights.

The long reign of HENRY, called for his learning "Beauclerc," the Conqueror's youngest son, affords few materials for an historical sketch, confined within such narrow limits as the present.

The princes of the Conqueror's family were too impatient usurpers to be punctilious in paying the honours of sepulture to their predecessors. Henry, who was hunting with his brother at the time of his death, flew to Winchester, on that event, to seize the unsquandered part of the late king's exactions; which, in spite of a faint resistance made by the loyal adherents of Robert, he employed so successfully as to be crowned at Westminster two days after. His partizans set up a fastastic title for him, or rather popular recommendation of his claim, as having been born in England, and that after the Conquest. But

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he himself, in a paper or charter issued on the following day, represents his coronation as having taken place "by the mercy of God, and by the common consent of the barons of the whole kingdom." In that document he restores the rights of the church, promises to require only moderate reliefs from his vassals, and to exercise his powers in wardship and marriage with equity. In the matter of several grievances also, he undertakes to re-establish the usages of the Confessor's reign; and concludes with the remarkable words, "I restore to you the law of king Edward, with my father's amendments." * However vague and insincere this language might be, the reference to the reign of Edward, the representative of the Saxon system, as the standard of law and government, was an act of conciliation, and indeed of concession, towards the English race, which neither fraud nor force could recall, and which may be enumerated among the best fruits of conscious usurpation.

Henry restored the celebrated Anselm to the primacy, from which he had been driven by banishment in the preceding reign. He most of all paid court to his English subjects by wedding "Maud, or Mold, daughter of Malcolm king of Scots, and of Margaret the good queen, the relation of king Edward, and of the right kingly kin of England." † His nuptials with this beautiful lady were solemnised by Anselm, who also soon afterwards consecrated and crowned her. So general was the confidence in the restoration of native institutions, that a private compiler was induced to draw up a summary of Saxon law, which is still extant under the title of "The Laws of Henry the First;" probably because, in the writer's opinion, that had been restored to validity, by Henry's confirmation, and with a view of propping the latter's infirm title by resting it on as strong a basis as possible.

* Statutes of the Realm, London, 1810, vol. i. p. 2.

† Saxon Chronicle, sub anno.

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While Henry was taking possession of the throne, Robert was lingering in Italy, on his return from the Holy Land, paying his court to a lady of surpassing beauty, whom he soon afterwards espoused. On learning that event, he hastened back to Normandy; and being once more invited by powerful lords, landed at Portsmouth, with fair prospects of overthrowing an unnatural usurpation, consummated while he was absent on the common service of Christendom. But this credulous prince was doomed to be again the dupe of his crafty brothers. He was persuaded by Henry to consent to a treaty; by which he was to content himself with Normandy, Henry retaining England, but charged with a yearly payment of three thousand marks to Robert. The survivor was to inherit the dominions of the brother who should first die. The only condition in the treaty favourable to Robert, he had the gallantry, or the facility, to waive at the instance of the young queen, his god-daughter, who prevailed on him, on a second visit to England three years after, to release his treacherous brother from paying the scanty price of the crown. Robert, on his return to Rouen, repented of his folly, and either uttered, or was said to have uttered, threats which served the rapacious Henry as a pretext for sending an army over sea against him. The duke, full of courage in battle, but of no fortitude in misfortunes, went to England to throw himself on the mercy of his brother. He conjured Henry by brotherly love, not to refuse peace and friendship to his elder brother, now ready to surrender all. The king, with angry murmurs, turned aside; and Robert, whose spirit was awakened by this unbrotherly repulse, returned to the duchy to try his fortune. Henry pursued him; and after an obstinate conflict at Tenechbrai, in which Robert made the last display of his brilliant qualities as a commander, he was defeated, and sent prisoner to England. His confinement appears at first to have been mild; but, having yielded

to the impulse of nature in attempting to escape from prison, his eyes were by the command of his unrelenting brother put out. After passing nearly thirty years of blindness in several fortresses, he died at Cardiff castle in Glamorganshire, in the eightieth year of his age, and after all the other warriors who had shared with him the glory of rescuing Jerusalem had been laid low. An historian who was the partisan of Henry has celebrated Robert for eloquence and valour, for wise counsel and for military skill equal to any man of his age. "He forgot and forgave too much;" and, as the judicious monk of Malmsbury was doubtless speaking only of offences against the public, it must be owned that such a disposition in a ruler might be a vice. But if he was too trusting and merciful for his age, and too easy for the stern duties of government at any time, he was the only Norman prince who has still some power over the feelings of those who consider the nature of his defects and the cruelty of his fate.

Edgar Atheling was one of the prisoners taken at Tenechbrai. Some resemblance in sensibility, though none in spirit and ability, to Robert attached Edgar to the duke's evil fortune. According to some accounts, as soon as the nephew was firmly established on the Scottish throne, he had joined his uncle Robert in Palestine with twenty thousand men from the British islands. The Saxon Chronicle represents Edgar as joining Robert just before action at Tenechbrai. Henry imitated the policy of his predecessors by humbling this prince by another pardon. After this momentary glimpse he disappears altogether from history.

Sibilla, the good and fair spouse of Robert, did not live to witness his worst fortunes. Their son William, when a child of five years, was brought before Henry at the surrender of Falaise, sobbing and crying for mercy. The king, as if making a violent effort to rid himself of evil thoughts, suddenly commanded that the

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boy should be removed from him, and committed to the care of Elie de Saen, a Norman lord. The boy subsequently, however, escaped to the French court; where Louis the Sixth, commonly called "Le Gros," who too late discovered his error in suffering so powerful a monarch as Henry to acquire extensive provinces in France, was eager to patronize a prince who had fair and even just claims on Normandy. Such claims, defeated at the battle of Brenville, were renewed on occasion of a shipwreck, in which William, the eldest son of Henry, and a hundred and forty young noblemen, perished near Harfleur, in consequence of their own disorder, and of the intoxication of the captain and the crew. Prince William would have been saved, if the cries of his natural sister, the countess of Perche, had not induced him to put back his boat to save her. The commander of the ship had almost saved himself by swimming, when, lifting up his head, he asked, "Where is the prince?" On being answered, "He is gone!" the Norman plunged headlong into the deep, and was seen no more. This calamity so much disturbed Henry's arrangements in Normandy, that it occasioned a new insurrection on behalf of William his nephew. The revolvers however were completely defeated by William de Tancarville, chamberlain of Henry. Louis bestowed the queen's sister in marriage on William, investing him at the same time with several of the provinces nearest to Paris which conquest had united to Normandy, and subsequently with the county of Flanders, the greatest fief of the French crown. That fine province, however, he ruled with a precarious and disturbed authority for only sixteen months. A prince called "Theodoric," "Thierry," or "Dietrich," landgrave of Alsace, attacked him at the instigation of his uncle Henry, or some other potent enemy. He was preserved from assassination in a singular manner: while on a visit to his mistress at midnight, she unwittingly

dropt tears on his head while she was bathing it according to the fashions of that age. Alarmed at this symptom of remorse, as he construed it to be, he prevailed on her to disclose a plot which had been laid for murdering him when he should be withdrawing from her apartment. But he escaped from this foul attack only to receive his death-wound in open warfare shortly after at Alost. The tidings of his early death must have soon followed those of his brief greatness into the dungeon of his blind and aged father.

Henry on this, and on some other occasions, manifested somewhat of that forbearance towards the vanquished which was slowly stealing into the fierce manners of the German nations, a part of the system of chivalry, which there will be occasion for more fully considering hereafter. But it was a generosity exclusively confined to high-born dames and noble warriors. It never stooped so low as justice and good faith towards men in general. Henry set at naught his own charters, and violated his promises without shame. It is not easy to describe the sufferings of this land, from manifold and never-ceasing wrongs; wheresoever the king went, there was full licence to his company to harrow his wretched people, oftentimes with burnings and slaughter.* His exactions were cruel in the amount and in the means used to raise them. As justice was a source of revenue, judicial murder was a frequent instrument of extortion.—“The Norman clergy in that reign,” says the contemporary Eadmer, “were more wolves than shepherds. No virtue nor merit could advance an Englishman.” To be called an Englishman was an insult.

Nor did the prospect of the succession, for the greater part of Henry’s reign, hold out any hope to the proscribed natives. “Maud, the good queen,” or Mold, as she was long called by the English poets, had died in

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* Saxon Chronicle, sub anno.

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the year 1118, with the sad reflection that she had sacrificed herself for her race in vain. William, her degenerate son, openly declared that if he ever ruled England, he should yoke the Saxons to the plough like oxen. From such premature insolence (for he was drowned in his seventeenth year), he would probably, if he had lived, have proved one of those youthful tyrants to whom cruelty is sport. Henry's next marriage was with a daughter of the duke of Lovain. But the union proving unfruitful, his hopes of succession were centered in his daughter Maud, the widow of Henry the Fifth by whom, however, she had no issue. The emperor had bestowed on this lady at an early age the apparently important office of regent of Italy. Henry regarded her with an affection, which is one of the few pleasing traits in his character. He called a great assembly of prelates and nobles, who swore fealty to her if the king should die without issue male. He gave her in marriage to Geoffrey Plantagenet, eldest son of the earl of Anjou, in order to detach that powerful lord from the interest of the French king, and from the cause of William Fitz-Robert. This marriage with a hostile neighbour was unpopular among the Norman barons; but the king, at another general council, where she was herself present, caused his nobility to renew their oath of fealty to her. She was soon after delivered of a son, who, on a solemn occasion, also received their oaths of fealty. Two more sons born to his darling daughter promised stability to the order of succession which Henry had established, while the overthrow or extinction of all his competitors appeared to secure a quiet old age to the victorious monarch, when a surfeit of lampreys terminated his life in the sixty-seventh year of his age, and in the thirty-sixth of a reign so agitated that he had passed no more than five years of unbroken quiet in England.

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The support given by Louis "le Gros" to Robert and

his gallant son, as well as to the malcontent nobles of Normandy, may be considered as the earliest precautionary wars undertaken to preserve such a balance in the power of neighbouring states, as that one or a few may not acquire the means of oppressing the rest.

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STEPHEN, earl of Boulogne, was the second son of Stephen, earl of Blois, by Adela, the daughter of the Conqueror. The empress Maud and her three sons, not to mention his own elder brother, Theobald, earl of Blois, stood between the new king and all hereditary pretensions to the English throne. He had had a quarrel with Robert, earl of Gloucester, the late king's natural son, for the honour of being the first of the laity to swear fealty to Maud. Henry had obtained for him in marriage the only child of Mary of Scotland, sister of the "good queen Maud," by which he had become earl of Boulogne. In spite of his oath, and with no pretension of any sort, he hastened to London, where the populace received him with acclamations, such as they are apt to lavish on beauty, bravery, and prodigality. His brother obtained the consent of the archbishop of Canterbury, by suborning witnesses to swear, that Henry had on his death-bed disinherited Maud, declaring the pretender his successor. By these and other flagitious expedients, Stephen managed to be crowned and anointed king of England.

Dec. 22.

In the beginning of the charter, which, in imitation of his uncle, he issued immediately after his coronation, with an unparalleled variety of jarring titles, he described himself as having been, by the grace of God, and the consent of the clergy and people, elected king of England, as well as consecrated by William, archbishop of Canterbury, legate of the Holy See, and confirmed by Innocent, pontiff of the apostolic church of Rome. This charter, like the former, promises ample redress of grievances, granting to the people all the good laws and customs subsisting in the time of king Edward.

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The power of administering justice, and of protecting life and property, was now become the object of contests, as unvarnished by a pretence of right as the conflicts of rival gangs of banditti. Stephen prevailed over the empress, because, Boulogne being nearer to London than Rouen or Anjou, he could spring more quickly on his prey. But the suspension of all hereditary succession for fourscore years, even in the case of the Norman dynasty, made amends for its immediate evils by guarding the people from the slavish prejudice that government is a descendible property; without blinding them to the inconveniences of election in the case of an office, the competition for which stirs up passions so violent that there is perhaps as little likelihood of good appointments, from the modes of election known to us, as even from a succession dependant on the chance of birth itself.

“In this king’s time,” says the Saxon chronicler, “all was dissension, evil, and rapine. Against him soon rose rich men. They had sworn oaths, but maintained no truth. They were all foresworn and forgetful of their troth. They built castles which they held out against him. They cruelly oppressed the wretched men of the land with castle work. They filled the castles with devils and evil men. They seized those whom they supposed to have any goods, men, and labouring women, and threw them into prison, for their gold and silver, inflicting on them unutterable tortures. Some they hanged up by the feet, and smoked with foul smoke; some by the thumbs, or by the beard, and hung coats of mail on their feet. They put them into dungeons with adders, and snakes, and toads. Many thousands they wore out with hunger. This lasted the nineteen years while Stephen was king, and it grew continually worse and worse. They burned all the towns: thou mightest go a day’s journey, and not find a man sitting in a town, nor an acre of land tilled. Wretched men starved of

hunger : to till the ground was to plough the sea."* This description of a contemporary comprises by far the most important part of that confused alternation of anarchy and tyranny which we are compelled to call the "reign" of Stephen. It perhaps contains the most perfect condensation of all the ills of feudalism to be found in history. The whole narrative would have been rejected, as devoid of all probability, if it had occurred in fiction.

In the first year of his reign, Stephen was only disturbed by the revolt of Baldwin, earl of Exeter, and by a Scottish irruption in support of Matilda, by her uncle David, the able and virtuous prince of rude and fierce people. The Scottish king was defeated on a second invasion, after the famous "Battle of the Standard," near Northallerton, of which some characteristics are to be found in the Scottish history of Sir Walter Scott.†

The commanders in that battle, who had lost no part of the Norman insolence, addressed their brother captains as "Illustrious chiefs of England, by blood and race Normans, before whom bold France trembles, to whom fierce England has submitted, under whom Apulia has been restored to her station, and whose names are famous at Antioch and Jerusalem!" The language in which the Norman writers describe Scottish

* The anonymous continuator of William Abbot of Jumieges closes his account of the Normans at the accession of Stephen. Ordericus Vitalis, an Englishman, born within three miles of Shrewsbury, about four years after the Conquest, who passed near sixty years as a monk in the monastery of St. Evroul en Ouche, brings down his *Historia Ecclesiarum Normannorum* only to the year 1140. Eadmer, the scholar and friend of Anselm, concludes his *History* with 1122, so that in the confused reign of Stephen we particularly want contemporary evidence. The *Gesta Stephani* are by an un-

known contemporary. The beginning of his work singularly coincides with the *Saxon Chronicle*. Both seem better to express the universal misery by language of general horror than would be possible by examples.

I am informed by my learned friend Mr. Price of Bristol, who is about to give us the first critical edition and accurate version of the Saxon laws, that the original Saxon of the passage in the text is of a metrical structure; a curious circumstance, which, however, does not seem to me to lower its credit as a work of the twelfth century.

† See Advertisement.

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invasion is somewhat unaccountable in the mouths of Stephen's subjects: — "They exercised their barbarity," says one writer, "in the manner of wild beasts. They spared no one. The helplessness of childhood and that of old age were equally ineffectual securities against their cruelty. They put pregnant women to death by tearing the unborn infants out of the womb with their swords." * "The king of Scots," says another writer, "was a prince of gentle disposition; but the Scots are a barbarous and impure nation; and their king, leading great bodies of them from the remotest parts of his country, was unable to restrain them." †

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While these events were passing in the North, Stephen reduced Normandy, thereby greatly strengthening his power in England. He was reinforced, also, by a considerable band of Breton and Flemish soldiers, which he had hired and brought with him to the island. The leader of Matilda's party was Robert, a natural son of the late king, who had become earl of Gloucester, by marriage with the heiress of Robert Fitz-Haymon, a distinguished follower of the Conqueror. This chief, the most conspicuous of his time in peace and war, now prepared to assert the legitimate claims of his sister. He conducted her into England this year. After many battles, of which we know but little but the misery which they brought on the people, the army of the empress Maud defeated Stephen near Lincoln. "He was taken prisoner: she was then declared queen; and she provided so ill for the instability of fortune as to send him in irons to prison at Bristol." It is a prevalent opinion among old, but not contemporary, writers, that the clergy, who had hoped to purchase the aid of a

* Ordericus Vitalis, lib. xiii.

† *Gesta Stephani* Duchesne, p. 939. This description, which, I fear, must comprehend my Highland forefathers, forms a melancholy contrast to the account of them

ascribed to Ossian in the reign of Severus, but calls up very consolatory reflections in the minds of those who know their honest and brave descendants in the present age.

usurper cheaply in the contest then carrying on against the civil powers, were so disappointed in their hopes from his flagrant usurpation, that they became his enemies, and contributed mainly to his downfall. On her arrival in London, Matilda was joyfully welcomed by the citizens. Maud, the wife of Stephen (for there were three royal ladies of that name), made humble suit for the liberty of her husband, offering that he would resign all claims to the throne, and retire into private life. This petition was rejected in terms of reproach. The citizens of London also made suit that the laws of king Edward might be restored, and the harsh changes of the Normans abolished. The empress manifested such high displeasure at this prayer, that the citizens began to think of bringing her to reason by the same duress from which she had refused to release Stephen. Warned of this intention, she fled from the city by night, establishing her head-quarters at Oxford. The indignant Londoners joined the king's party at Winchester, and by their aid her army was utterly discomfited. Feigning herself dead, Matilda was conveyed in a hearse to Gloucester. Her brother Robert was made prisoner; and his liberty, of more value to his party than that of most kings, was purchased by the enlargement of Stephen. The escapes, stratagems, and vicissitudes of a war so tumultuary, might have been interesting, if they could have been related tolerably in the midst of such confusion. The empress fled from Oxford when besieged there, in the depth of winter, dressing herself and her attendants in white, when the earth was whitened by snow. In every town and village the factions of the "royalists" and "imperialists" (as the party of Matilda might be called) had almost daily conflicts. Families were ranged on opposite sides: brother met brother in the shock: fathers embroiled their hands in the blood of their sons: order existed nowhere: fear and disappointment made men change their party, according to favour or hope. The

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bands led by Stephen were no otherwise distinguished from the others than by the audacity with which his Flemish mercenaries encouraged him to assault and destroy the magnificent monasteries, from an attack on which those who were the most enured to rapine, but who still dreaded the guilt of sacrilege, had previously recoiled with horror.

This miserable warfare raged, with little mitigation, till the year 1147, when Matilda returned to Normandy. Thenceforward for two years the country seems to have been permitted to breathe more quietly.

Henry "Fitz-Empress" then revisited England, where he was knighted by his uncle David, king of Scotland. The claims of his mother were strengthened in him by his sex and his age. By the decease of his father, Geoffrey Plantagenet, he had succeeded to the territory of Anjou: Normandy he held in the name of his mother. With more of policy than delicacy, he had married Eleanor, duchess of Aquitaine, one of the most considerable sovereigns of Europe, whose dominions extended from the Loire to the Pyrenees, but who had been repudiated by Louis "the Young" for aggravations of vice before unknown even to the dissolute amours of the crusaders' camp. The young duke of Normandy, however, espoused her within six weeks of her divorce; and thus became lord of western France, from the confines of Flanders to the borders of Spain. Both the competitors for the crown of England essayed their arms on the continent:—Eustace, the only survivor among Stephen's sons, overran Normandy; but Henry, who had expelled his own brother Geoffrey from Anjou, speedily recovered the duchy; and, having made peace with Louis, who too late repented a fastidiousness which had cost him the vast territories of Aquitaine and Poitou, was at liberty to turn his whole force against Stephen. The armies came in sight of each other at Wallingford. Both parties, however, weary of the dreadful scene in

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which they had been for many years engaged, laboured to persuade each their respective chiefs to make peace. The earl of Arundel had the boldness to think, and to say, that it was not reasonable to prolong the calamities of a whole nation on account of the ambition of two princes. The two leaders in a short conversation across a narrow part of the Thames, agreed to a truce, in hopes of negotiating final peace.

The prospect of peace, however, seemed likely to be marred by the ambition of Eustace, a youth of seventeen, whom the archbishop of Canterbury, by the advice of the Pope, had, a short time before, refused to perpetuate his country's miseries by crowning. Offended and alarmed by the truce, he reproved his father coarsely for such an agreement; and in a furious rage, left the court, scattering far and wide the firebrands of war, and rekindling a flame which no man might have had the power to extinguish. He began by ravaging Cambridgeshire; and being established at the princely abbey of St. Edmund's Bury, he commanded the country round about, including the lands of the abbot, to be laid waste, and their fruits to be brought for his use into the abbot's granary. As he was sitting down to a feast, however, he was suddenly seized with a frenzy, of which he soon died: owing, in all likelihood, to an inflammation of the brain, the fruit of habitual intemperance, and frantic passions.

The principal obstacle to concession being thus happily removed, Stephen no longer persevered in a vain resistance to the just demands of the most powerful of Western princes. A common council of the kingdom was held at Winchester, where it was agreed that Stephen should retain the crown during his life; that he should adopt Henry, who was declared to be his successor; and that William, another son of Stephen, should, on condition of swearing allegiance to Henry, have a large appanage, of which the city of

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Norwich was to be a part. Stephen was also to succeed to his patrimonial earldom of Boulogne. But the boisterous life and wretched reign of Stephen was soon after brought to a close. He deserves no other reproach than that of having embraced the occupation of a captain of banditti. If that were a legitimate profession, he must be owned to have possessed many of its best qualities; valour, attachment, prodigal generosity, and sometimes even mercy. Inferior as he was to the Robin Hoods and Rob Roys which are exhibited to us by the hand of genius, he nevertheless probably had better qualities than the real persons who bore those names.

HENRY PLANTAGENET ascended the throne without an adverse murmur; and his accession was hailed with more hope than even that usually excited by young kings, as the most potent prince of his time, about to employ his youth and power in composing the long disorders under which England had so long been suffering.

The invasion of Ireland, the most memorable event of Henry's reign, will be related by Mr. Moore; and the great advantages which he obtained over Scotland are sufficiently touched upon by Sir Walter Scott.* On the provinces occupied by such historians no prudent writer would choose to encroach; and as two leading topics of the common histories of England are thus happily detached from it by the plan of our series, it will be sufficient to take this opportunity of warning the reader to expect no narrative of Scotch or Irish affairs in the sequel of this historical summary. The wars of Henry in France do not deserve any long recital at our hands. His contests with the Church, an important part of the history of every European country in the Middle Ages, are still deserving of consideration. The progress of law and government, though, to be understood entirely, they must be studied in works more peculiarly dedicated

* See Advertisement.—ED.

to that subject, elsewhere, cannot even here be overlooked; and the domestic misfortunes which embittered the declining years of an able and powerful monarch afford lessons of signal instruction, even though there may be little to give them a claim to compassion.

The coronation of Henry and of Eleanor was solemnised with splendour soon after his arrival from Normandy. A charter was issued confirmatory of that of his grandfather, passing by in silence the acts of Stephen's tumultuary usurpation. His first measures were those of a vigorous reformer. He took possession of the fortresses usurped during the late confusions; levelling with the ground many strongholds erected without warrant of law, and more for the purpose of rapine than of security. He commanded by proclamation all the Flemish mercenaries of the late king's army to depart from the kingdom on pain of death. He was not deterred by the abused titles of earls and barons, lavished by that prince on his turbulent followers, from resuming the lands and honours received by them as wages for their share in oppression and ruin. "He reformed the adulterated coin," says an ancient historian*, ignorant of the import of these momentous words, and as little aware of the effect of adulterating, or even reforming, the coin, in spreading disorder and suffering among mankind, as he was of the existence of the mighty powers of electricity and steam; referring therefore, with even the more enlightened for many ages, facts alarming or afflicting to causes quite other than the real ones.

The king did homage to Louis the Seventh for Normandy, Aquitaine, Poitou, Anjou, Touraine, and a long train of other dependent territories; thereby rather awakening the jealousy, than flattering the pride, of his lord paramount. For less than a tenth part of modern France was subject to the immediate and effective authority of Louis; while the French dominions of

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* Roger de Hoveden. p. 281.

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Henry extended over more than a fifth of that great country ; including the whole Atlantic coast, important both in itself and for its communication with England. Both these princes were equally "French:" both therefore equally acceptable to the "French," and, perhaps, to the ruling part of the English, nation. Henry's strength enabled him safely to assume the deportment of a vassal ; and, often by address and insinuation, to dispense with the use of superior force in his dealings with his liege lord. A great hereditary office of the French crown, which he held in right of Anjou, afforded him legal means or pretexts for exercising Louis's prerogatives without any reference to that monarch ; and he was too wise to weaken his authority over his own vassals by the example of a needless breach of feudal duty to the king of France. The interview for doing homage was employed by Henry in disposing Louis to acquiesce in his stripping Geoffrey, his younger brother, of Anjou, the appanage settled on the latter by their father. As soon as Geoffrey had been compelled to accept a pension instead of his principality, Henry made a progress, of policy as well as of magnificence, through his Aquitanian dominions ; receiving the fealty of his greater vassals, in a great council held at Bordeaux. On the death of Geoffrey he further enlarged his dominions, setting up a doubtful claim of that brother whom he had robbed of his legitimate patrimony. "Charles the Simple" appears to have granted to Rollo whatever supremacy the Carolingian family had exercised or claimed over the country of the Armorican Britons ; so that the lords of Brittany were considered as vassals of Normandy, and only through it feudally connected with the crown of France. The infidelity of an Anglo-Norman lady involved Brittany in a civil war, which lasted for half a century. Duke Conan the Third, who had espoused and long endured Matilda, the natural daughter of Henry I., declared on his deathbed

that her children were illegitimate. During the contests occasioned by this unseasonable confession, the inhabitants of the county of Nantes, the most opulent part of the Armorican peninsula, unwilling to follow the fortunes of the Celtic race in Lower Brittany, had chosen Geoffrey Plantagenet, as a neighbouring prince, to be their count; and Henry now claimed Nantes as heir to Geoffrey, affirming that he alone, as duke of Normandy, had any right to take cognisance of pretensions to the succession of his vassal. Henry's claim to the county of Toulouse is another curious specimen of the pettifogging pretences for aggrandisement prevalent in that age. William, duke of Aquitaine, grandfather of queen Eleanor, had married Philippa, the only child of the earl of Toulouse, and heiress, if it had been inheritable by females, of that great territory. The father, thinking apparently that it was not so inheritable, had mortgaged it to his brother, who was the male heir, and who, with his family, continued though not in unquestioned possession of a province perhaps larger than the domain of the Capetian kings, for many years. The non-prosecution of claims by powerful competitors is, perhaps, a better evidence of the general opinion of their pretensions than could have been afforded by absolutely undisputed possession. Louis, whose succour was now implored by his brother-in-law Raymond, the reigning count, did not on this occasion allow himself to be cajoled, but threw himself into Toulouse, to resist the very title under which he had himself claimed fourteen years before. Henry collected a great army, introducing for the first time the practice of "scutage," or commutation for military service in money, the proceeds of which on this occasion he employed in hiring large bodies of the then famous soldiers of the Low Countries. Under pretence, however, of delicacy to the lord paramount, he forbore to press the siege of a city in which the French king was present; contenting himself with

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reducing some inferior towns, and laying waste indifferently territories of Louis and Raymond. The individual left in command of the English troops before Toulouse, and thus, according to modern notions, so singularly employed, was Thomas-à-Becket, archdeacon of Canterbury, and lately raised to the office of Chancellor. This remarkable person had been appointed in the preceding year to negotiate a treaty, in which Louis agreed to the marriage of Margaret his daughter, by Constance of Castile, then an infant of three months old, with Henry's eldest son, who had reached the more advanced age of three years. Becket had conducted the royal infant to London, where Henry caused the espousals to be solemnised before the term agreed on; doubtless with a view, by this early celebration of the nuptial ceremony, to secure a claim to the crown of France if Louis should have no male issue by his second consort, the exclusion of females by the Salic law being at that time apparently either unknown or disregarded. Henry had been so careful an observer of the decorums of vassalage that he declared himself at war only with the count of Toulouse; so that it became no difficult matter for Pope Alexander the Third to restore the appearance of amity between the two monarchs, who both acknowledged his authority, in preference to that of the anti-pope Octavius, who was supported by the emperor Frederick Barbarossa.

Shortly after their reconciliation an occurrence took place which proved the most vexatious event of this reign, and which necessarily withdraws the attention of the historian, as it did at the time that of the actors, from the relations of England with foreign states. This was the elevation of Becket to the archbishopric of Canterbury. The time had now come in which England was to succeed to her share in that memorable contest between the Church and the State which had agitated all Christendom for a century, which had shaken Germany

and Italy to their foundations, and from which the Capetian kings had hitherto owed their escape only to the smallness of the territory subject to their sway. Enough has been said already on the ingenuity and address by which the papal system, indirectly extending to civil as well as ecclesiastical affairs, gradually acquired its authority over the minds of men, until it at length broke out into deeds of violence and usurpation.* To bring the pretensions of that system to trial, it was necessary that a difference should arise on some minor question, bringing into discussion the nature and consequences of excommunication. This opportunity was supplied by the famous dispute about "investitures," or the question whether it was lawful for lay sovereigns to invest prelates with the crosier and the ring, as badges of the fealty and allegiance by which they held the temporalities of their dioceses. Usage varied: law on the subject there was none: opinions differed so widely, that it was hard to find any common principle of reason to which the contending parties could appeal. The most regular and approved form of episcopal election, however, appears to have been, that the clergy and people of the diocese should conjointly choose the bishop, with the knowledge and consent of the Emperor; a form of speech which, if not altogether unmeaning, involves in it the necessity of the approval of the latter. When under the

* Readers, whether Catholic or Protestant, who are solicitous to form a right judgment concerning the disputes of ancient times, cannot be thought to do their duty without the perusal, at least, of those parts of the excellent Discourses of the Abbé Fleury which relate to this subject. The whole of the third discourse is a perfect model, not only of method, perspicuity, and knowledge, but of the higher and more rare qualities of integrity, charity, firmness, and moderation. His observations on the

attempt of Adrian II., and especially on the doctrines of Gregory VII., are particularly worthy of all praise. He has well earned by them the right to make the following just reservation on behalf of his own church:—"Il est vrai que Grégoire VII. n'a jamais fait aucune décision sur ce point. Dieu ne l'a pas permis. Il n'a prononcé formellement dans aucun concile, ni par aucune décrétale que le pape a le droit de déposer les rois. Mais il l'a suppose pour constant."

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IV. had acquired vast possessions, the bishops became, in
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homage, and swearing fealty to their lord paramount,
who, on his part, gave them "investiture" of their pos-
sessions by putting into their hands a crosier and a ring.
This ceremony, however, was previous to consecration.
It was not confined to the Emperor, but is owned by the
most learned writers of the Roman Catholic church to
have been long practised by most Christian princes. It
grew into a prerogative of the most important nature,
involving as it did a previous negative on every election,
and in effect amounting to the ecclesiastical patronage
of Europe. As long as a German sovereign continued to
call himself "Emperor of the Romans," it was natural
that he should deem the choice of the bishops of Rome
as peculiarly subject to his authority and dependent on
his approval. On the other hand, the bishops of Rome
who crowned the Emperor pretended that they had a
right to withhold their ministry in that solemnity, and
thus invalidate the Imperial election. The power of
nomination to bishoprics, for such it was, was converted
by the secular princes, especially in the long minority
and distracted reign of the emperor Henry the Fourth,
into an indecent and scandalous means of raising money,
by setting up to sale the dignities and benefices of the
church.

Gregory the Seventh (Hildebrand) had availed himself
of these flagrant corruptions to aggrandise the Roman
See. He excommunicated and deposed that sovereign,
causing him to sit at his gate for three days barefooted,
and clad in a coarse woollen robe. Under the auspices
of Gregory, a council was held, which invalidated all
ecclesiastical appointments where the investiture had
been received from a layman, denouncing the whole ven-
geance of the Church against those who should confer
or accept such profane titles. Finally, he proceeded, in

the same assembly, to a measure subversive of every power but his own. A decree was passed, as it should seem, in the name of the sovereign pontiff alone, in which, after a long recital of facts, introduced by a solemn invocation of the apostles St. Peter and St. Paul, he deposes Henry, absolving his subjects from their oaths, and in express words raising Rudolph, duke of Suabia, to the imperial throne. Not long after, Gregory died at Salerno, with words in his mouth which strongly evince that magnanimity and sincerity which shines through his extravagant and mischievous usurpations:—"I have loved righteousness, and hated iniquity; therefore do I die in exile." The thirty years following were crowded with the brief and alternate triumphs of the crosier and the sceptre. At last, in an assembly holden at Worms, it had been agreed upon between Henry the Fifth and Calixtus the Second, that the emperor should relinquish the practice of investiture by the ring and cross, as symbols of spiritual power; but should be entitled to superintend the election of bishops, deciding where there were disputes, and investing the bishop-elect with the temporalities of his see by touching him with his sceptre. On the question whether the investiture should precede or follow the consecration, the treaty was silent. It disappointed both parties, who aimed at nothing short of each other's destruction. Hence the long time before they would submit to a compromise; in which, indeed, nothing but weariness could have obliged them to acquiesce. The civil power, after having been for seventy years battered by the artillery of the Vatican, now made one step in advance; for, by rendering the sovereign's investiture necessary, it was solemnly pronounced that there is in every community an authority independent, not only of papal, but of ecclesiastical power.

The controversy respecting "investiture" had considerably agitated England, under Rufus and his suc-

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cessor. The repeated banishment of Anselm, who had faithfully and courageously adhered to what he thought the interests of religion as well as the rights of the Church, were at once the rewards and proofs of his virtue. But before we take a view of the war between the Church and the State in England, we must briefly describe its renewal in Italy, the seat of one of the contending parties, and the prize coveted by the other; where hostilities were waged on a greater scale, and attended, if not by more interesting incidents, yet by more memorable effects. After the peace of Worms, the Empire and the Papacy, worn out by long and fierce struggles, seemed desirous only of repose. It is one of the melancholy features of the history of barbarous times, that it generally exhibits those high faculties and that commanding energy which are capable of blessing mankind, as almost invariably employed in oppressing and destroying them. War is the only scene in which it then seemed possible to put these forth, and kings who were not conquerors were commonly slothful, or immersed in sensuality. The elevation of Frederick Barbarossa to the imperial throne gave a new blow to the quiet of Italy and of Germany.

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Frederick may justly be considered as the greatest ruler who had arisen among the Teutonic nations since Charlemagne; whom he resembled in ability for war and government, in respect for knowledge, in some perception of the use and dignity of legislation, and in the variety of matters in which he employed the unwearied vigour of his mind and body. His first object was to acquire a real authority in Italy, of which lawyers and treaties styled him the sovereign. The two grand obstacles to his purpose were the Pope, requiring his aid, but dreading a powerful deliverer, and the towns of Upper Italy, which, having subdued their own respective petty tyrants without throwing off all nominal connection with the Empire, had revived the spirit and prosperity, and promised once more to exhibit the mental

power, as well as the outward wealth, of the Grecian republics. Frederick subjugated the latter, razing Milan to the ground. After delivering Adrian the Fourth from the republicans of Rome, and putting into his hands Arnold of Brescia, the disciple of Abelard, who had restored the ancient names, at least, of Roman liberty, and whom the unrelenting cruelty of cowardice instantly destroyed, he, twice master of the Imperial City, was crowned emperor of the Romans in the Capitol. He supported two "anti-popes," or prelates not acknowledged by the party finally victorious, and was oftener the enemy than the friend of the legitimate Papacy. At length, despairing, probably, of any longer retaining the allegiance of cities which commonly revolted the moment his feudal militia withdrew, but indisposed to quit his hold on the attachment of Lombardy, he made a peace with the Lombard cities on terms the most advantageous to them. The substance of this important treaty, to which the same rank was assigned for ages, in the public law of Europe, as afterwards devolved on that of Westphalia, is a grant to the towns of all the rights of sovereignty which they had exercised, and a recognition of the validity of all the usages which prevailed among them. It was an acknowledgment of the independence of the latter by their ancient sovereign, who had not yet renounced every shadow of right to the sovereignty of all Europe. Considering the effect of such concessions, the day of the signature of the edict of Constance may be numbered among the most remarkable in the progress of human society. Frederick's career was long after to be closed at the head of a hundred and fifty thousand men, whom he led to the Holy Land to recover Jerusalem from the hands of Saladin. After enduring many hardships, he vanquished all the enemies whom he met, opening the way to Syria; and Saladin himself declaring, that "he should leave it to the emperor and the princes to decide how much territory he might rightfully retain." As

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the army was marching from Seleucia, in Cilicia, the emperor arriving on the banks of a small river called the Salef (the ancient Callicadnus), saw his army and baggage crossing it by a bridge so narrow, that to have waited till the way was open to him would have cost more time than he had patience for. Plunging into the stream, he tried to swim his horse across. The current, however, was strong: it bore his horse along, and when the body of the emperor was brought on shore life had departed from it. "The death of Frederick was bewailed," says the eloquent historian of the Italian republics, "by the cities on which he had inflicted severe vengeance." His army loudly deplored the loss of a sovereign, a general, and a father.

In the Italian wars of Frederick some of those intricate combinations occurred perplexing the judgment, and distracting even the wishes of the spectator. In his labours to re-establish in Germany an order long unknown, he treated the princes of the empire arbitrarily, appearing to exert an absolute power, which he believed himself to have inherited from Constantine and Charlemagne. In Italy, accidental circumstances made him both the enemy of the Pope and of the republican cities. Piety and freedom are natural allies; but in his reign was first seen the rare union of ecclesiastical power with civil liberty. But from this conjunction arose those parties which tore Italy in pieces for ages. The origin of the famous names of "Guelphs" and "Ghibelines" is singular. A battle had been fought in Suabia between the Emperor Conrad of Hohenstaufen (a family which had only emerged from obscurity within the century) and Welf or Guef, duke of Bavaria, a member of a house tracing its pedigree to the reign of Charlemagne, and even as far as the invasion of Attila.* In this battle

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* The opinion of Raumer (*Geschichte der Hohenstaufen*) has, on this subject, great weight. The marriage of Azo, marquis of Este, with the heiress of the house of Guelph, leaves the German pedigree

the cry of the Imperialists was “Waiblingen,” a village belonging to their master, where they had been quartered: that of the opposite army was “Welf,” the illustrious name of their leader. Hence “Ghibeline,” which is a corruption of Waiblingen, came in Germany to signify an imperialist, and “Welf,” or “Guelph,” an adherent to the great vassals of the empire, at the head of whom were the “Guelphs.” In Italy “Ghibeline” retained its old sense, as a partisan of the Emperor; and “Guelph” naturally slid into the signification of one of the party of the Pope, his principal enemy. The coincidence of interest and enmity uniting the Pope with the republican cities, gave to this latter word some tinge of the more generous character of a lover of liberty. Both these names long survived their original import, or were too slightly connected with them to justify the further prosecution of inquiry into their history.

We must now return from these great continental revolutions to contemplate in England the peculiar phases which the controversy assumed in this country. Thomas à Becket, the hero and martyr of the ecclesiastical party, was the son of a citizen of London, as ancient chroniclers tell us, by a Saracen lady, under circumstances which, however romantic, were probably not unexampled during the Crusades. Gilbert his father had made an expedition to the Holy Land, not without view most likely to his calling as a trader. Here he was made prisoner by a Mussulman emir, whose daughter he was permitted sometimes to see; a permission which loses much of its improbability, if we suppose him to have been employed

of that great family in more ancient times in obscurity. Though it be true that genealogy, before the use of hereditary surnames, is very doubtful, yet there certainly are distinguished families, chiefly on or near the Upper Rhine, who carry back their pedigrees beyond the ninth

century, by historical, though not by legal, evidence. The grandeur with which the Guelphs appear at the dawn of history renders it not improbable that they and their undisputed descendants, the Brunswicks, may be numbered among the few exceptions.

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in procuring ornaments for her, and allowed to see a lady so exalted above him from a mixture of convenience and contempt. She asked him about his religion, and whether he was ready to risk his life for his God. "To die," he answered. "Then," said she, "let us escape together." He could not refuse; but either his courage left him, or the attempt failed. He escaped however. Soon afterwards the enamoured damsel also broke her prison, and by repeating the word "London," found her way marvellously by sea and land to that city; where her only resource was crying through the streets "Gilbert," the name of her lover, and the only European word, besides "London," with which she was acquainted. After many adventures, she was at length recognised by the faithful Richard, baptized by the royal name of Matilda, married to her Gilbert, and became the mother of Thomas-à-Becket.*

This child of a romantic affection was beautiful, brave, lively, and even lettered; and we must not wonder if he plunged into the parade and dissipation of the noble companions who condescended to receive him among their friends. His first preferment appears to have been the provostship of Beverley; but in no long time, he was made, through the influence of Archbishop Theobald, archdeacon of Canterbury, and subsequently chancellor. His manners and pursuits, however, were eminently worldly. When Henry told him that he was to

* John of Brompton, on whose testimony I fear alone this pretty romance rests, was a writer of the reign of Edward III. Neither Matthew Paris nor Roger of Hoveden, nor, I presume, William of Newbridge, mentions it. Gervas, who has been quoted for it, says only that Becket's mother was named Matilda, a slight corroboration of Brompton. But the latter writer is not contradicted, and the incident is not a very improbable part of the

life of a crusader. Perhaps the strongest objection to the story is the unlikelihood of its being overlooked by so many writers if it had been true. The silence of Robert of Gloucester, who probably died under Edward I., is unfavourable to the existence of the story, as a popular tradition relating to an English saint. Little weight is due to the silence of Peter of Blois and John of Salisbury.

be archbishop of Canterbury, he smiled at the metamorphosis: when spoken to more earnestly, he appears to have been of opinion with the world in general, that the choice could only have arisen from the king's confidence in him as an instrument in his impending contests with the Church. Honour alone was, perhaps, enough to call up a sudden blush at so degrading a view of his character. "Do not appoint me, sir, I entreat you," was his reply: "You place me in the only office in which I may be obliged no longer to be your friend." Thus far his deportment was manly: what followed is more ambiguous. He immediately dismissed his splendid train, cast off his magnificent apparel, abandoned sports and revels, and began to live with fewer attendants, wearing coarser clothes, and eating scantier food, than suited the dignity of his station. That extraordinary changes suddenly manifest themselves, especially in lofty and susceptible spirits like that of Becket, is true: and it is evident, on a merely human view of the matter, that a feeling of honour might have quickly revived his sense of professional decorum, leading to the conclusion, that the only sure way of appearing good is being so. A man of decisive character might seek to secure himself from relapse by flying to the other extreme. Neither his subsequent violence nor the inconsistency of some parts of his conduct should absolutely exclude the milder construction of his motives. Moderation is the best pledge of sincerity; but excess is no positive proof of hypocrisy. But the conduct of Becket has too much the appearance of being the policy of one foreseeing that he was about to carry on war, as the leader of a religious party; and that it was necessary for him to assume that ostentation of austerity, which such leaders have ever found to be the most effectual means of securing the attachment and inflaming the passions of the people. Religion might have acquired a place in his mind which she had not had before;

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but so alloyed by worldly passions, that it is impossible for us to trust to the purity of his motives. Vulgar ambition was undoubtedly sacrificed by Becket; he lost high office and unbounded favour: he preferred dominion over the minds of men, and the applause of lettered Europe.

Soon after the elevation of the new archbishop, the hostilities between Church and State began. Many instances of the most scandalous impunity of atrocious crimes, perpetrated by ecclesiastics, had lately occurred. The King, incensed at these, which he justly imputed to the exemption of the clergy from secular jurisdiction, the ecclesiastical tribunals having no power to inflict capital, or, indeed, any adequate punishment, called together a great council at Westminster, requiring the bishops to renounce for their clergy an impunity as dishonourable to themselves as inconsistent with law and order. He insisted that every clerk convicted of crime should be degraded and delivered over to the secular power. Finding it difficult to obtain this moderate demand, he softened his language; and asked if they were ready to observe the customs and prerogatives of Henry the First? The Archbishop answered, "Yes; saving the rights and privileges of their order;" one of those reservations which seem specious till it is discovered that they destroy the concession to which they are annexed. The King left them in just displeasure. They followed him, however, to Woodstock, where they assented to the demand without any saving clause; but the Archbishop had not been persuaded to accompany his brethren till the last moment.

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The assembly at Clarendon, called to give the form of law and the weight of national assent to these moderate concessions, seems to have been one of the most considerable that had met under the title of the "Great," or "Common, Council of the Realm" since the Norman invasion. The name of parliament had not yet

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begun to be used. But, however difficult it may be to determine the precise nature of this Council, there is no reason to doubt that the fulness of legislative authority was exercised by the King only when present in such national assemblies. The King made his propositions in the form least offensive to the Church, describing them as no more than a recognition and affirmance of the customs and liberties observed in the time of his predecessors, especially the late King. These were contained in sixteen articles, of which the principal were: that all clerks summoned to answer for a crime should come before the King's justices; that if they were convicted, or had confessed, the Church was no longer to protect them; that no ecclesiastical person should quit the realm without the King's licence, and that they should find security, if the King required it, not to delay in going or returning; that all causes not ecclesiastical should be tried in the King's courts; that no ecclesiastical appeals should proceed beyond the Archbishop's court without the King's assent; that all ecclesiastical persons, tenants of the crown "in capite," should follow the King's customs, sue and be sued before his justices, and attend like other barons at his courts till judgment of life or limb should be necessary; that vacant dignities in the Church should be in the King's hands; that he should receive the profits as his seignorial dues; that when the King provided for the vacancy, the election should be made in his presence, and with his assent, and that the person elected should take the oath of homage and fealty to the King as his liege lord. "Thus," says an ancient historian, whose professional prejudices seem on this occasion to have subdued his independent spirit, "was lay authority over all ecclesiastical persons or things, and the contempt of ecclesiastical law, established amidst the murmurs of the bishops, but without resistance from them."* Becket,

* Matthew Paris.

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however, full of contrition for his former acquiescence in the propositions, now did open penance for his culpable weakness. Attempting to escape into France, he was arrested at Romney for an offence against the "Constitutions of Clarendon" as they were called. Having for a time administered the royal domains of Eye and Berkhamstead, he was summoned to account for the rents and profits before a great Council held at Northampton. There he pleaded a release by Henry, the King's son; which was overruled. Sentence having been pronounced, he lifted up the cross which he held in his hand, and with his eyes fixed on it, walked slowly out of the court. On the ensuing night he found means to leave the town; and hiding himself during the day, reached, by night journeys, the port of Sandwich. A small bark conveyed him to Flanders, where he went to pay homage to the Pope, who was then at Sens, and by whose influence he obtained an honourable and secure asylum in the splendid abbey of Pontigny, in Burgundy.

As far as the arguments of the Ecclesiastical party are separable from the Hildebrandine system, already sketched, they are in general founded on an appeal to positive law, rather than on the consideration of what law ought to be. For the immunity of clergymen from civil jurisdiction, the principal authorities appealed to were Gratian, the compiler of the famous Digest of Canon or Ecclesiastical Law, for which he quotes the forged Decretals ascribed to Isidore; a pretended law of Theodosius, adopted by Charlemagne; and a part of a "novel" of Justinian, of which the context proved the nullity. It is true that the spuriousness of these authorities might have been, and probably was, unknown to Becket and his followers, who, with all their power of discrimination and ingenuity, were yet so ignorant of the languages of other countries, of history, and of criticism, that they were incapable of detecting the grossest

impostures. Had the authorities been as genuine as they were supposed to have been, they might have excused a disorderly zeal for privileges enjoyed under laws then in force; but they could never have been considered as standing in the way of a legislature about to adopt measures for rendering the administration of justice impartial and vigorous. If Theodosius, Justinian, and Charlemagne had in reality granted such immunities, it was evidently the duty as well as right of the King and Parliament of England to deliver the people entrusted to their care from the evil as soon as its nature was discovered. The legislature, it is true, chose to give the name of ancient usages to the regulations made at Clarendon. But this was done, doubtless, in order to render them more venerable in the eyes of the people. The clergy probably acquiesced in the fiction as partly meant to spare their feelings; but it was immaterial what view they took of it. The Constitutions derived their force not from antiquity but from "enactment." It may be observed that one of them, which regards "homage" and "fealty," and nearly touches "investitures," follows the spirit of the previous compromise between Henry the First and Pascal the Second, which again extremely resembles the corresponding provisions of the treaty of Worms. No doubt can be thrown upon the merits of this controversy without impugning one of two propositions, both of which seem almost self-evident: that good government requires all orders of men to be equally amenable to the law; and that the legislative power in every commonwealth is bound to provide for such equal distribution of justice.

It is on this, as on most other occasions, much easier to decide on the justice of contending claims than to form a right judgment on the motives of the claimants, or to estimate the political consequences of the success of either party. The object of the Hildebrandists was absolute domination over the laity. The aim of the

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King was absolute power over both laity and clergy. The means employed by Henry were arbitrary, and often odious. Had the sceptre obtained a complete victory, Europe would have been the prey of the men of the sword. Had the crosier been equally successful, the clergy would have established a more lasting, a more searching, and a more debasing, though a more mild and regular, despotism.

Fortunately for Becket, the jealousy dormant between the Kings of France and England disposed Louis and emboldened the Pope to protect the obnoxious exile. When Henry learnt that he had been well received, he sent an embassy of expostulation to Louis, and one no less splendid, of which the archbishop of York was at the head, to justify himself to the Pontiff. The ambassador of Henry complained to the last that their master had been compelled to take measures against the primate for his contumacy in defying the jurisdiction of the national assembly, comprehending as it did all the prelates, in a matter so exclusively civil as an account of the management of the King's lands. They also made earnest suit that two legates should be sent to England to hear the matters in dispute. The Pope however determined that the inferior power should not judge the superior, and therefore reversed the judgment of the barons and bishops, more particularly as confiscating the possessions falsely called the Archbishop's, but really belonging to the see of Canterbury; authorising the primate to exercise ecclesiastical justice on such as should forcibly enter them under colour of that judgment, only exempting the King from excommunication or censure.

Another hostile measure of Henry's was to issue writs to the sheriffs, commanding them to seize all rents and possessions of the primate within their bailiwicks, and to detain all bearers of appeals to Rome till the King's pleasure should be known. He commanded the justices

in like manner to arrest all persons charged with papers from the Pope or Primate assuming to pronounce an interdict of Christian worship in the realm, all spiritual persons or laymen who should adhere to such interdict, and all clerks leaving the kingdom without royal permission.

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Becket was so intoxicated by the favour of the Pope as to declare, that "Christ was again tried, in this case, before a lay tribunal, and once more crucified in the person of his servant."* Alexander, encouraged by his more secure tenure of power, now intimated to him that he might proceed as he thought fit. Becket immediately went to Vezelai, where, on Ascension-day, when the church was most crowded, he went into the pulpit, and with bell, book, and candle, solemnly cursed all the maintainers of the customs called in England the "customs of their elders." Henry threatened that if Becket, after such an outrage, should be sheltered at Pontigny, he should seize such of the Benedictines' estates as were in his own territories, which obliged Louis to carry the latter with him from Burgundy. Various angry proceedings ensued on both sides, in which Becket's tone rose or fell with that of his patron. Two legates arrived from the Pope, who tried to persuade the parties to a compromise. Henry was for a moment prevailed on to assent to the unconditional return of the archbishop; but, on second thoughts, insisted on adding, "saving the honour of his kingdom," a salvo which Becket understood too well to accept. He agreed, however, to throw himself at the feet of his sovereign, but proposed the necessary reservation of the honour of God and the rights of Holy Church. The two kings being together, Henry said to Louis, "Whatever displeaseth that man is taken by him to be contrary to God's honour; but to show that I do not withstand God's honour, what the greatest and most

* Matthew Paris, p. 89.

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holy of his predecessors did unto the meanest of mine, let him do the same unto me, and I am contented therewith." Whereupon all the company present called out "that the king had humbled himself enough." The king of France said to the archbishop, "Will you be greater than saints, and better than St. Peter?" His answer was disrespectfully evasive; all blamed his arrogance; but when Henry urged Louis to withdraw his protection from a man so insolent and contumacious, the king of France, who was then beginning to think himself near the brink of a rupture with England, answered, with much appearance of magnanimity, "If the king of England will cling so strongly to what he calls the customs of his forefathers, he should allow me to adhere to the custom of my progenitors, which ever has been to protect the fugitive and the exile."

The Pope then, not without misgivings, authorised Becket to proceed to extremities against all offenders, with the single limitation of not including the King by name. The archbishop was not slow in exerting his terrible powers. He excommunicated the bishop of London, causing the sentence to be served on him while the latter was officiating in his cathedral church of St. Paul. He laid the province of Canterbury, including more than three-fourths of the kingdom, under an interdict. But these thunders played harmlessly round a monarch so self-possessed as Henry. Only a few parishes shut their churches; yet the Pope had almost emptied his quiver. Moreover, the two kings were beginning to incline towards peace, which would have left Becket without a protector. A single scruple delayed the accommodation. Becket required that he should be saluted with the kiss of peace, as a pledge of reconciliation. Henry replied that he was withheld by a vow from such an act. On such abject superstitions did the faith and honour of a chivalrous age depend. At length it was agreed to elude the chief difficulty by

silence on the original subjects in dispute, and to require no express submission to the statutes of Clarendon from the refractory Primate.

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This pacification was formally announced to the younger Henry, who with the title of "King" governed England, accompanied with a recommendation that both the archbishop, and all those who for the same cause had departed out of the realm, should be allowed to remain in peace, and have all their goods restored in such quiet and honour as they had enjoyed within three months before their departure. Becket returned to Canterbury. After so fierce a contest, before such deep wounds could be skinned over, and when enraged retainers on both sides were exacting implacability from their leaders, the pacification must have been in a trembling condition, requiring the utmost prudence and temper on both sides. The Primate's mind, agitated by distrust and pride, and distracted between fear and satisfaction, must have been in a state to exempt him from harsh judgment. It must be owned, however, that he refused to do what was evidently implied in the general amnesty. He would not take off the whole of the ecclesiastical censure from the prelates, and he refused to take the oath of homage for his barony. The archbishop of York, and the bishops of London and Salisbury, went to Normandy to complain of this breach of the treaty. Tidings, at the same time, reached the court that he had pronounced an entirely new excommunication against one of the King's servants, for acts done in obedience to the King, and before the accommodation. Provoked at this new attack, Henry is said to have exclaimed: "To what a miserable state am I reduced, when I cannot be at rest in my own realm by reason of only one priest; there is no one to deliver me out of my troubles!" Four knights of distinguished rank, William de Tracy, Hugh de Moreville, Richard Britto, and Reginald Fitz-Urse, interpreted these words as commands.

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They accordingly repaired to Canterbury, confirmed in their purpose by finding that Becket had recommenced his excommunications by that of Robert de Broc; and that he had altered his course homeward to avoid the bishops on their way to Normandy. Going to his house, they required him, not very mildly, to withdraw the censure of the prelates, and to take the oath to his lord paramount. He refused. John of Salisbury, his learned and faithful secretary, ventured at this alarming moment to counsel peace. The Primate, perhaps precipitately, certainly not pusillanimously, now thought that nothing was left for him but a becoming death. The knights retired to put on their armour; and there seems to have been a sufficient interval either for negotiation or escape; but the visible approach of peril awakened his sense of dignity, breathing an unusual decorum over his language and deportment. The monks could not prevail on him to be absent from vespers. He went through the cloisters into the church, whither he was followed by his enemies, attended by a band of soldiers, such as they had hastily gathered. They rushed into the church with drawn swords, Tracy crying out, "Where is the traitor? Where is the archbishop?" Becket, who was standing before the altar of St. Bennet, answered gravely, "Here am I: no traitor, but the archbishop." Tracy pulled him by the sleeve, saying, "Come hither, thou art a prisoner." He was advised to flee. Pulling back his arm, however, with such force as to make Tracy stagger, he said, "What meaneth this, William? I have done thee many pleasures. Comest thou with armed men into my church?" "It is not possible that thou shouldst live any longer," called out Fitz-Urse. The intrepid Primate replied, "I am ready to die for my God in defence of the liberties of the Church." At this moment, either by a relapse into his old disorders, or to show that his non-resistance sprang, not from weakness, but from duty, he took hold of

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Tracy by the habergeon or gorget, and flung him from him with such violence as had nearly thrown him to the ground. He then bowed his head as if he would pray, uttering his last words, "To God and St. Mary I commend my soul and the cause of the Church." Tracy aimed a heavy blow at him, which fell on a by-stander. The assassins followed up the attack; and though the second stroke brought him to the ground, they did not cease till his brains had been scattered over the pavement.

Thus perished a man of extraordinary abilities and courage; turbulent and haughty, indeed; without amiable virtues, but also without mean vices; who doubtless believed that he was promoting the reign of justice by subjecting the men of blood to the ministers of religion, but who was neither without ambition nor above the vulgar means of pursuing his objects. That Henry did not intend the murder of Becket may be concluded from legal measures which were in contemplation against him, and from the fact that so sagacious a monarch must have foreseen the mischief which this atrocious deed would bring on him. It is deserving of remark, how many murders were perpetrated in churches in those ages, when they sheltered criminals from justice. Since the period when they began to be considered with reasonable respect only, and to cease to enjoy a discreditable immunity, they have also ceased to be the theatre of such bloody scenes.

The conspirators, despairing of pardon, sought a retreat in the castle of Knaresborough, belonging to Hugh de Moreville, one of their number, and were, after some time, enjoined by the Pope to do penance for their crime, by a pilgrimage to the Holy Land, where they died, and were interred before the gate of the temple. In the meantime a general cry of reproach was raised against the king of England. Louis of France and several of his great vassals pressed the Pope to avenge

CHAP. the cause of religion and humanity. An embassy to
IV. Rome from Henry with difficulty obtained an audience;
1173. and as soon as they uttered the name of their master,
the by-standers cried out to the Pope, "Will you bear
it?" Everything seemed to threaten an "interdict,"
no longer a mere weapon in the warfare of ambition,
but one seconded by the natural compassion and honest
indignation of mankind. Henry perceived his danger;
and the politic pontiff was more desirous of displaying
than of exhausting his power. The latter contented
himself with a general excommunication of the mur-
derers and their abettors. Two papal legates held a
council at Avranches, where the King made oath on the
Holy Gospels and sacred relics, in the presence of the
clergy and the people, that he neither commanded nor
desired the murder of the archbishop; but submitted
thus to purge himself, because the malefactors might
have been moved to the perpetration of that profane
deed by the disturbance and anger in which they saw
their sovereign. He swore also that he would adhere to
Alexander as lawful Pope; that he would not prevent
appeals to Rome in ecclesiastical causes; and that he
would take up the cross in three years, pardon the com-
panions of the archbishop, and restore the possessions
of the see of Canterbury. To these promises he made
an addition, too vague to be decisive, that he would
abrogate all "customs" introduced in his time which
conflicted with the interests of the Church. On these
terms the nuncios, by authority of the Pope, absolved
the King. In the following year Becket was canonised,
and Henry made a humiliating pilgrimage to his
tomb.

Scarcely had these commotions subsided, when a
calamity befel Henry, which, if not as bitterly felt by
kings as by private men, falls, at least, as often to
their lot. He was now the most powerful of European
monarchs. His alliance was courted; his resentment

was dreaded; and the princes who submitted their differences to his arbitrament placed a trust in his justice which might seem perilous, were it not that Castile and Navarre might deem themselves guarded by the Pyrenees against his projects of aggrandisement. The invasion of Ireland, and the recognition of the king of England, though only as its lord paramount, and with no more territory immediately subject to him than the coast from Dublin to Waterford, by Roderic, king of Connaught, contributed more than their due share to the renown of Henry's policy and arms. His escape from the consequences of Becket's murder, with no other sacrifice than that of an evasive renunciation of the statutes of Clarendon, partook little of defeat. In this flourishing state he became an object of personal as well as of political jealousy to his neighbours. A vast confederacy was secretly formed against him. Three of his sons had been successfully practised upon by the confederates: Henry, the eldest, though crowned two years before, was at this period only eighteen years of age; Richard, sixteen; Geoffrey, fifteen; John, the youngest, was a child of five years. Louis VII. often engaged in quarrels with Henry, and, familiar with interference in English affairs by the long negotiations in the case of Becket, found no difficulty in rousing the ambition of young Henry, his son-in-law. That young prince was easily persuaded to consider the grant of some part of his father's dominions as implied in his nominal royalty, and as the only means of guarding him from the degrading mockery of bearing a barren sceptre.

The refusal of the King to comply with any such request threw the ungoverned young man into the hands of the confederates. Unfortunately, Henry's irregular life had raised up a mortal enemy against him in his own house. Eleanor, more incensed at his inconstancy than became one who had herself sinned openly to avow, became the most effective instrument of his enemies.

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But parental discord was alone sufficient to have destroyed the affection of the children, even without the furious excitements of the mother. Filial gratitude, on which Henry perhaps relied, was no restraint; for, as he had given crowns and provinces to his children in their boyhood, in order to strengthen his throne, it was not unnatural that they who were too early used as political tools should grow in time into unseasonable rivals. The conspiracy spread widely. William "the Lion," king of Scotland, was tempted into it by the promise of Northumberland: the county of Kent, a more dangerous bribe, was to be the reward of the earl of Flanders: the earls of Boulogne and Blois were to receive allotments proportioned to their services. The hopes of Louis were, probably, too extensive to be trusted to a treaty. The great barons of Henry's continental provinces fluctuated between the two kings, but were led to the side of Louis by the example of the Anglo-Norman nobility. Brittany, among others, threw herself into the arms of France. That great province, which had never acknowledged itself to be a fief of Normandy, and scarcely owed the seignory even of the French monarch, had fallen to Constance, the daughter and heiress of the last duke, whom, as his ward, Henry had destined to be the wife of his third son Geoffrey. With no other colour than his intention to wed his son to Constance, he proclaimed that prince duke of Brittany, when he was only eleven years of age. The nuptials, which alone could have conferred the title, were not solemnised till eleven years afterwards. Richard, on whom, at the age of twelve, Henry had conferred the duchy of Aquitaine, found the same hostility to his father prevalent in that province which his mother had instilled into his own mind. Both these duchies, influenced by permanent causes, espoused the interest of the princes. The conduct of the youths themselves was that of weak and wanton boys, easily incited to pursue seducing objects,

foolishly astonished at discovering obstacles, overawed for a time by every breath of their father's displeasure, and yet ever and anon relapsing into a mutinous temper, of which they had not sense enough to be cured by experience. The dissensions lasted for two years. Gascony was the seat of civil war: Brittany was in a state of revolt: Normandy assailed by French and Flemings; the southern provinces of England rebelling; the northern overrun and cruelly laid waste by the Scots. The Brabançons, the most celebrated mercenaries of the age, added fresh fuel to the flame by enlisting on both sides. Henry, however, was equal to the trying occasion. His foreign enemies were on all sides repulsed. The king of Scots was defeated, and made prisoner by Ralph de Glanville, afterwards the noted chief justice; and only obtained his liberty by subjecting his whole kingdom to Henry as lord paramount. The French and Flemings were obliged to raise the siege of Rouen. A pacification was at length brought about at Falaise; by which the princes were pardoned, and enriched by new liberties, with an amnesty to all their supporters.

The kings of France and England having now agreed to join Barbarossa in his expedition for the recovery of Jerusalem, their long jealousies seemed to subside for the present. Henry, the eldest son of the latter, appeared really reconciled to his father. Richard was fully occupied in reducing his revolted vassals in Gascony. But Geoffrey, the youngest son, said, with truth, that the hatred of the children for their father never was thoroughly suspended but by their hatred of each other. Henry proposed to his younger sons that they should take the oath of fealty to their brother, the heir apparent. Geoffrey submitted; but the fiery and furious Richard resented the proposal as an indignity. A horrible war between the brothers was the consequence, in which neither party gave quarter. The young Henry however, whether from fatigue or agitation, died soon afterwards,

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suffering under agonies of remorse, which, as they were unhappily regarded as a sufficient atonement, served rather to allure to the perpetration of crimes than to deter from it. But the year following a new feud sprang up between the King and the most turbulent of his sons, Richard, who, as he was now heir-apparent, had been desired by his father to resign Aquitaine to his younger brother. Open enmity, if not active hostilities, followed, which do not appear to have substantially ceased during the gloomy remainder of this active and prosperous reign. Geoffrey beseeching his father to add Anjou to Brittany, Henry refused. The young man accordingly repaired to the court of France, never so heartily reconciled to Henry as not to be the resort of English and Norman malcontents. There he died, leaving an infant daughter, for whose guardianship, which amounted to the sovereignty of Brittany, the two monarchs prepared to go to war; Henry contending that it was in the immediate superior, Philip Augustus that it was in the lord paramount.

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A truce however was agreed upon on the mediation of the papal nuncios; and before its expiration, Constance, duchess-dowager of Brittany, was brought to bed of a posthumous son, who was named Arthur, and during whose minority the states chose Constance to be regent, under the protection of Henry. During this time, the restless Richard was renewing his intrigues at the court of France. In spite of new oaths of fealty, he finally forsook his father, accompanying Philip in the invasion of territories which were one day to be his own. Henry, pursued by the too successful Richard, and deserted in his utmost need by his unworthy favourite John, died at the castle of Chinon, in the thirty-fifth year of his reign and fifty-seventh of his age. Eleanor his queen survived him many years, the fire-brand of his family, in whose eyes the fair dowry of Aquitaine appeared a cover for every crime. She not only stirred her sons to

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rebellion against their father, but appeared at the head of their army; on the defeat of which she was taken prisoner in man's apparel, and kept in close custody till the visit of her daughter, the duchess of Saxony, on which occasion, as a becoming concession to the feelings of the latter, her unamiable and guilty mother was released. Popular tradition ascribes her behaviour to jealousy of one Rosamond Clifford, the daughter of a gentleman of Herefordshire, to whom it also ascribes all bodily attractions, and no less engaging qualities of mind. The King is said, or rather fabled, to have provided for the safety of his mistress by building a house for her at Woodstock, the approaches of which formed a labyrinth so intricate that it could not be entered without the guidance of a thread, which the King always kept in his own hands. The queen, according to the same legend, gained possession of the thread, and by means of it destroyed her fair and amiable, though not spotless, rival. Daniel, who has handled these romantic circumstances in verse with elegance and tenderness, omits them, judiciously, in his history, where he contents himself with giving her the epithet of "Fair," which popular affection had made part of her name. If Eleanor was guilty of this crime, it had no palliative from recent jealousy, since the younger son of Henry, by "Fair Rosamond," was twenty years old at the time of the rebellion of the princes.

In the reign of Henry the Second important changes in law and usage were effected, which on this account have been generally ascribed to the administration of that monarch. It is much more probable that they sprang from the slow growth of circumstances, with little aid from rulers, who were perhaps scarcely conscious that any change was going on. In our narrow compass, we can make no further allusion to law than as it relates to politics and government. It is, however, essential to observe, at this step of our progress, that the Roman

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law never lost its authority in the countries which formed the western empire. It was adopted into the codes of the Germanic conquerors, of which several were more ancient than its reformation, or rather arrangement, made by the authority of Justinian. As the Germanic laws were personal, rather than local, the Franks and Burgundians, though inhabiting the same territory, lived each under their own customs. All Europe obeyed so much of the Roman law as had been incorporated with their own usages, when these last were first reduced to writing. The Roman provincials retained it altogether. The only historical question regards, not the obligation of the Roman law, but the period of its being taught and studied as a science. It is not likely that such a study would have been entirely omitted in Roman cities, where there were probably many who claimed the jurisdiction of Roman law. But the jurisprudence in question did not become a general branch of study till after the foundation of universities for systematic instruction in it and other parts of knowledge. It appeared at Bologna, in the beginning of the twelfth century, among the fair fruits of the growing wealth and opening intellect of the Italian commonwealths. It soon made its way to England, where it was taught with applause by Vacarius at Oxford about the middle of the same century, as we are told by his pupil John of Salisbury. The late researches of Savigny and other German jurists on this subject have merited the gratitude of Europe. It was indeed a most improbable supposition, that a manuscript found at the sack of Amalfi, and not adopted by public authority, should suddenly prevail over all other laws in the greater part of Europe.

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At a great council holden at Nottingham, England was divided into six circuits (not unlike the present distribution), each of which was to be visited by three itinerant justices, to bring the dispensation of the laws home to every man's door. This statute, however, like

others, appears only to have given authority and universality to a practice in use before.

In Henry's time also an important attempt was made to abolish the absurd custom of trial by ordeal, and to pave the way for the general adoption of juries, by allowing the defendant to support his right, not only by single combat, but by the grand assize.

In the most hasty view of the period it would be an omission not to remark that John of Salisbury and Peter of Blois, the friends of Becket, were distinguished not only in the learning of their own age, but by an elegance to which it was a stranger. Lanfranc and Anselm, the Italian primates introduced by the Normans, had a considerable place among the founders of the scholastic philosophy. Robert Wace* of Jersey, probably the first voluminous poet in the northern dialect of French, was reading clerk in the chapel of Henry the First and Henry the Second. He became an important personage in the history of our literature by the composition of metrical romances; that of "Brut," containing the legendary history of the Britons, and that of "Rou," or Rollo, comprehending the more authentic one of the Normans, from the expedition of Rollo to the defeat of "Robert Curthose" by his brother "Henry Beauclerc" at Tinchebrai. Yet he does not conceal the character of his writings, in which, says he, "All is not false; all is not true."†

RICHARD THE FIRST was rather a knight-errant than a king. His history is more that of a crusade than of a reign. The exploits and disasters, the perils and escapes, of his adventurous life would afford materials for a romance of chivalry. At the opening of his reign a few words therefore may not be misplaced on that singular system in which he and his fellow-adventurers to Palestine were schooled.

* Born 1120, died 1184.

† Ne tot mançoenge; ne tot voir. *Histoire Littéraire de la France*, xiii.

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In the beginning of the twelfth century, the only powerful body of laymen in Europe inhabited small fortresses scattered over the country, from which they rushed forth in quest of plunder, and to which they returned to secure themselves and their spoils. Never before were so many dwelling-houses called "little camps."* Access to these was not easy. Intercourse between their respective inmates, except for short orgies, was little known. Young women in that unsafe time were almost as much confined by the care of fathers, as in the East by the jealousy of husbands. The young warrior could but rarely steal a glimpse of damsels of his own age and condition. Hence it often happened that these ladies came to be regarded, at least for a time, with a warmth of passion and depth of admiration unknown to happier times. In an age when men were constantly at war with one another, superiority in valour was naturally the virtue most commanding esteem and applause. The timid female valued it as highly from awe as the sturdy warrior from fellow-feeling. It was the chief source of personal distinction; and a single failure in it carried with it a forfeiture of honour, a prize too bright to be bought by less than the unsullied prowess of a whole life. The excellent virtue of veracity was held in the same honour, and an offence against it followed with the like shame; but was perhaps more admired as a proof of courage, than esteemed as a part of integrity. On women was imposed, under pain of ignominy, the inflexible practice of those severe virtues which the men least observed themselves; partly to quiet jealousy; partly, also, because where love was a worship, it required perfect purity in its objects. Another point of honour grew up at the same time—that of fealty or loyalty—in some degree from the same feeling as that of veracity, which is akin to fidelity; in some measure, also, from habits of obedience in military service, strengthened

* Castella.

in process of time by the inheritable character which was attached to office and command.

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In so turbulent and insecure a state of society, a few of more generous nature were led, by their temper or their circumstances, to taste the delight of employing valour for the protection of the feeble against the strong. Women, or rather as many as were beautiful and noble damsels, were admired for their attractions, and pitied and defended for their weakness. Ministers of religion were protected because they were venerable, and because they were unwarlike. Religion itself, guarded only by unseen powers and remote punishments, claimed from the generous warrior the use of his sword against her enemies. In time, all the weak became objects of defence. The pupils of chivalry were taught to take up arms against all wrong, however they might often be deceived in their judgment as to what constituted it. The grand defect of this system was, that it was confined to but a small portion of mankind. In its purest form it never prevailed among the majority even of the class exclusively pretending to it. Nor among the few who were its most brilliant ornaments must it be supposed that it was always found in the regular or consistent state which general description is insensibly led to assign to it. But every modification of a society in any degree lettered, works out for itself a correspondent literature, bearing the stamp of its character, and exhibiting all its peculiarities. The writers who soon supplanted the biographers of saints, becoming for their day the delight of Europe, represented in their romances a picture of chivalry, in which the heroes were purified from all defects, and invested with powers to cope with supernatural beings, or to subdue the most tremendous monsters. These imaginary pictures were applied by admiring posterity to favourite heroes of the past. Each generation placed perfect chivalry in the time of their fathers: fiction was confounded with truth; and at length it came

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to be thought that the roads of Europe had been really covered with wandering redressers of wrong in some former age, better and happier than that which was then present.

Casting aside these fooleries, we may reasonably believe that generous dispositions and disinterested attachments, prompting men to face danger and death, and adorned by courteous manners and delicate gallantry, often making the service of a superior as pure from selfishness as the relief of an inferior, and obtaining obedience from a warm heart, instead of buying it from a mercenary dependent, were more prevalent in the middle age, and partly owing to its disorders, than they can be, at least under the same form, in that better order of society, which has no equal need of them, and which, therefore, more rarely affords scope for their exercise and cultivation. It is indubitably true, that the whole system of manners, distinguishing modern civilisation from classical and Oriental, has received a tinge from the usages and sentiments of chivalry, which, though mingled with peculiarities not warranted by morality, is, on the whole, advantageous to the human race.

Chivalry is composed of the feelings and manners of the feudal system. It naturally happened, that the military tenants of the crown, serving on horseback, and composing the main strength of a feudal army, had a plan of training for their youth, and formalities by which the latter were admitted to serve with their seniors. Hence the outward and mechanical modes of conferring knighthood: hence also the fraternities of knights, some independent, most of them founded and patronised by princes, which afterwards arose. Among the smaller circumstances connected with this system were hereditary surnames and armorial bearings; usages to which some tendency may be traced among many nations, but natural and necessary where the vassals of each lord formed a sort of separate people; and more than commonly in-

dispensable where all military commands depended on the distinction and array of communities and tribes, acting together by visible signs and short names, as in the crusades. These were not only the main scene on which the power of chivalry was displayed, but the school where its usages were taught most effectually, and spread through a wider circle. It is one of the most curious facts in literary history, that the writers of the romances of chivalry are almost unknown to us by name, and that these romances themselves, once the sole reading of Europe, have almost wholly perished. Most readers, perhaps, now best know the peculiarities of the chivalrous code from the immortal romance which was written to expose them ; but which, as, under the form of a satire against one transient folly, it ridicules all injudicious and extravagant attempts to serve mankind, has survived the remembrance of the particular follies lashed by it, and will endure as long as it is beneficial to turn goodness to the choice of wise means, and to the pursuit of attainable ends.

Scarcely had Richard taken up the cross, than his admirers afforded a very notable specimen of the mischievous inequality of chivalrous ethics. Zeal against the enemies of religion, rekindled by every new crusade, burst out on the very day of his coronation with unbridled fury on the branded and proscribed Hebrews. The King had, on the day before, issued a proclamation forbidding Jews and women to be present at Westminster, lest he might suffer from their magical arts. A few, however, eager to offer to a new ruler the gifts and congratulation of an afflicted people in a strange land, on a day of general grace and joy, according to the immemorial usage of the East, forced their way into the hall with the rest of the people, and were permitted to lay their presents before him with their humble suit for the continuance of that connivance at their residence, and of that precarious exemption from plunder and

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slaughter which they had obtained from his predecessors, on account of the money which might be wrung from them, of the useful counsel in finance which they might give to ignorant swordsmen, and of the ornaments and luxuries which they drew from remote lands, through the thousand channels of their subterranean intercourse with their unhappy and industrious brethren. A Christian struck a Jew entering at the gate. The courtiers, either catching the contagion of the quarrel, or tempted by the sight of the brilliant presents, or hoping to cancel their debts with the blood of their creditors, fell on all the wealthy Jews, and, beating and pillaging them, drove them out of the hall. The example spread all over the city. The populace of London, and the multitude who had flocked from the country to see the coronation, easily believing the rumour, that the King had ordered the extermination of the miscreants, attacked and murdered the defenceless race, women and children, the old as well as the robust, with unrelenting rage. The Jewish families who barricaded their houses had them set on fire over their heads, and were burnt to death in the flames. Where the walls were too strong, burning wood was thrown in at the doors and windows. The rabble forced their way into private apartments; throwing the feeble, the sick, and the dying into the fires which they had kindled in the streets. The like atrocities were perpetrated in many of the principal towns. At York, the Jews took refuge in the castle, after having seen their wives and children butchered before their eyes, and all who refused to be baptized massacred without mercy. The governor demanding admission, they refused, excusing themselves however by their dread of the populace. Thereupon he inveighed against them with loud transports of rage; and even directed the castle to be attacked. The people seized the fatal word, which it was vain to attempt to recall. An immense multitude besieged the castle for several

days, stimulated by ecclesiastics, and especially by one furious monk, who perpetually exhorted the people to destroy the enemies of Christ. On the night before the expected assault, a rabbi, lately arrived from the Hebrew schools abroad, addressed his assembled countrymen:—“Men of Israel, God commands us to die for his law, as our glorious forefathers have done in all ages. If we fall into the hands of our enemies they may cruelly torment us. That life which our Creator gave us, let us return to him willingly and devoutly with our own hands.” The majority applauded: a few only dissented. They burnt their costly garments, and destroyed their precious stones and vessels. They then set fire to the building, Jocen, the most wealthy man among them, first cutting the throat of his wife. After all the women had been sacrificed, he, as the most honourable, set the example to the others by destroying himself. The few who shrank from a voluntary death appeared next morning pale and trembling to the people, who cruelly dispatched them. The bonds of Christian debtors were taken to the cathedral, where they were instantly committed in a mass to the flames. Ralph Glanville, the first English lawyer of his time, was employed by the King to quell this sedition. That he miserably failed, may be concluded from the number of three who suffered death for this dreadful butchery, and from the reasons assigned for the selection of these three to be examples. One was executed because he had stolen the goods of a Christian; the two others, because the flames which they had lighted in the houses of the Jews had spread to the dwellings of Christians.

Not many days after the crusade had suffered irreparable loss by the demise of Frederick Barbarossa, Philip Augustus and Richard reviewed together, at Vezelai, their magnificent and formidable host. The French bore red crosses, the English white, and the Flemings green. Severe regulations were published

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against desertion, theft, murder, gambling, dresses unbecoming a religious enterprise, female companions, trading in or near the camp, a greater profit than ten by the hundred, and the sale of bread otherwise than by the penny for equal weights. In no long time they reached Messina. Here, in the midst of friendly festivity, the seeds of disunion between Philip and Richard began to spring up visibly. Richard being freed from his espousals to a French princess, despatched his aged mother to bring him the Princess Berengaria of Navarre, of whom he had long been enamoured. His time was occupied in warm disputes with Tancred, who had usurped or assumed the Sicilian crown, on the death of William the Second, a short time before imprisoning Joan of England, that prince's widow. These differences terminated in an agreement that Tancred should pay twenty thousand ounces of gold to Richard; in consideration of which the latter renounced his own and his sister's claims to the island, entered into an alliance with Tancred, and promised that his nephew and heir Arthur should espouse the daughter of that prince.

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After lingering there for more than six months, Richard at length sailed from Messina. His fleet, of fifty-five galleys and one hundred and fifty ships, was dispersed by a storm. The one conveying his sister Joan, and Berengaria his espoused (his mother had returned from her venturous expedition), was compelled to seek refuge in a port of Cyprus, then governed by Isaac Comnenus, who held it out against the court of Constantinople by the favour of Saladin, and who now received the royal ladies with discourtesy. Richard, as if roving in quest of adventures, landed his whole army to chastise the apostate chief. Several of the Christian rulers of Palestine came to Cyprus to entreat his speedy succour, where he took advantage of their presence to solemnise his nuptials with Berengaria, with the splendour which the occasion demanded. In spite of

all expostulation, however, he would not stir till the whole island was reduced. He had promised not to fetter Comnenus; but he pretended that he meant iron fetters, and put him therefore in silver chains. At last he left for Tyre, where he found the Christians divided between two competitors for the crown of Jerusalem, Guy de Lusignan, and Conrad, marquis of Montferrat. In sailing along the coast of Syria to the siege of Acre, he met a large vessel, pretending to be French, but in reality Saracen, and intending to throw a considerable reinforcement into the besieged town. An obstinate engagement ensued, in which the strange vessel sunk, as the English say, by their prowess, but, according to the Mahometan writers, by the unconquerable spirit of her ship's company. A curious journal of the siege of Acre is preserved by an ancient historian*; probably the work of an eye-witness, and remarkable for the distinctness which belongs to such narratives. Reduced, according to the Mussulman historians, to famine by the maritime blockade, the leaders of the garrison were compelled at length to negotiate for a capitulation. They desired to leave the town with their arms and goods. Richard cried out, "No! after so long and great exertions we must win something more than an empty town." The Turks proposed "that the garrison should march out freely, leaving property and weapons behind." Saladin agreed to release two thousand five hundred Christian prisoners, and, in two months, to pay two hundred thousand bezants as the ransom of the Turkish prisoners, and to restore the Holy Cross. A Christian eye-witness† says, that such was the courage and virtue shown by the garrison, that no man could have surpassed them if their faith had been pure. The two kings entering divided the town, the prisoners, and other booty between them. Each of them planted his royal standard in his own district: Leopold, duke of

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* Roger de Hoveden.

† Vinesauf.

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 1191. kings?" "I fight," he answered, "I make war, by my
 own power and sovereignty, and, under God, I acknow-
 ledge no superior but St. Peter!" and left the town,
 treasuring up revenge.

The way was now open to Jerusalem. Philip de-
 manded a moiety of Cyprus in virtue of a treaty which
 had stipulated the equal division of conquests. Richard
 replied that the treaty provided only for conquests
 made from the Turks. It was agreed to confine it to
 acquisitions in Syria and Palestine. But these both
 the competitors for the throne of Jerusalem claimed as
 justly belonging to that crown. A warm contest ensued
 between Richard, who supported Lusignan, his vassal
 in Poitou, with the help of the Pisans and Venetians,
 and Philip, who maintained with equal zeal the claims of
 his relation Conrad, which were also espoused by the
 Genoese. Philip was desirous of immediate peace on
 moderate conditions; Richard took fire at so base a com-
 promise. A secret understanding with Saladin, the
 heaviest imputation on the chief of a crusade, was laid
 to Philip's charge. Perhaps he was influenced by views,
 hitherto almost a secret to himself, on the territories of
 his great vassal. At all events, he proclaimed the
 crusade ended, declaring his determination immediately
 to return to France. "If Philip thinks," said Richard,
 "that a long residence here will be fatal to him, let him
 go and cover his kingdom with shame." Philip, how-
 ever, quieted Richard, by swearing that he would attack
 neither Richard's possessions nor those of any other
 prince who remained in Syria, but rather protect them
 with all his might. He soon after sailed from Syria,
 was released from his oath by Pope Celestine the Second
 at Rome, and before the end of the year reached his
 capital city.

Saladin evading or delaying the first instalment of

the ransom, Richard enforced it in a manner even then deemed ferocious. On the 15th of August, the day on which he and his army celebrated the assumption of the Virgin, he commanded two thousand five hundred of the gallant garrison of Acre to be led out into a meadow under the walls of that city, and there, without exception, put to the sword. "We have, as became us," says Richard in a letter to the abbot of Clairvaux*, "put to death two thousand five hundred of them." "It was done," says an ancient writer†, "with the assent of all." Danger from the prisoners was not alleged as an excuse. With a superstition equally cruel and fierce, the Christians searched the carcasses of the murdered Turks for golden bezants, and converted the gaul which was found in their dead bodies into medicines. Never was a siege, however, so fatal to the besiegers. Six archbishops, twelve bishops, forty counts, five hundred men of noble birth, perished before it or in it. Of three hundred thousand pilgrims, only six thousand lived to see their home again.

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The camp was not long after broken up, and Richard had scarce marched a day's journey, when the Turks showed themselves on every side. When the army encamped, the heralds went round crying, "God help the Holy Sepulchre!" and the body of pilgrims loudly repeated the prayer three times. The march was dreadful. The Mahometans, incensed at the murder of their brethren, planted the ground, where they knew the enemy must encamp, with knives and the like instruments, which wounded the horses and brought the knights to the ground. Marching through a Syrian desert at the season when the sun shoots his fiercest heat, Richard's soldiers were faint with hunger and maddened by thirst. Immediate death by any of these means, however, was the envied lot of only a small number. The cries, uncouth appearance, and fierce visages of the Bedouins,

Aug. 24.

* Roger de Hoveden.

† Trivet.

CHAP. increased the terror. A few negroes used by Saladin
 IV. more for state than strength — a race, perhaps, less cruel
 1191. than any other tribes not softened by religion and law —
 appalled the ignorant Europeans, as, in the language of
 the eye-witness, “a ghastly race, fitly called negroes
 from their extreme blackness.”* For two miles round
 nothing was to be seen but the Turkish army, fully
 armed, and beautifully arrayed, except where there were
 interspersed bands of such savage auxiliaries. The Eu-
 ropeans, thus surrounded, were compelled to fight their
 way through the enemy with great loss and difficulty.
 On one occasion, Richard was preserved from death or
 a prison, on a hawking party, by the generosity of
 William des Preaux, who, pointing to himself, called out
 in Arabic, that he was “the malik,” or king. These
 examples of the miseries of a crusade are sufficient.
 Discord and mutiny always break out among suffering
 armies under unfortunate commanders. In the repairs
 of Ascalon, where all were to lend a hand, Leopold, duke
 of Austria, sullenly said to Richard, “My father was
 not a mason, and I was not bred a carpenter.”

April, The next year the news of revolt and confusion in
 1192. England began to remind Richard of the necessity of
 returning home. He at length yielded to the general
 desire of bestowing the nominal crown of Jerusalem on
 the marquis of Montferrat. But on returning to his
 tent from a feast given to celebrate his election, that
 prince found two youths standing at his door; one of
 whom put a letter into his hands and then stabbed him
 mortally with a dagger, crying out exultingly, “Thou
 shalt neither be a marquis nor a king.” It is agreed on
 all hands that the youths in question were the followers
 of a sheik, from the dire and devoted fanaticism of whose
 disciples the name “assassin” has been adopted in most
 languages of Europe. Rumour, however, appears very
 early to have charged Richard with being the instigator

* Vinesauf, lib. iv. c. 18.

of this murder. The suspicion is chiefly countenanced by the fact of no other person being mentioned who had any motive to destroy Conrad. Yet the fanatics were probably more likely to be impelled to the deed by enthusiastic hatred of a new Christian king, than allured to it by the practices or promises of another unbelieving sovereign. The nature of Richard's vices also affords him a defence which it would have been vain to seek in his few virtues. He was too inconsiderate for contriving plots, and too impatient to wait till the whole web was woven. The ostentation of power formed with him so large a portion of vindictive gratification, that he does not seem likely to have stooped to secret revenge. A murder to remove a formidable foe he might perhaps have endured without showing the strength of his arm; but a murder to chastise an offensive enemy, when the offence was publicly pardoned, has the humiliating confession of an appearance of weakness to which the pleasure of guilt could scarcely have reconciled him. His humanity would have been a feeble check to crime; but his pride and his indiscretion disqualified, and probably indisposed, him for playing the part of an assassin.

It is very difficult to explain the circumstances of this murder, or to reconcile the testimony of witnesses concerning it. The accusation was early made against Richard by the German chiefs and French writers whose hostility to him abates the value of their testimony. The most formidable witness against him is Bohaddin, an Arabian historian, who served under Saladin, and was no stranger to the feuds of the Christian camp. On the other hand, a French and a Syrian writer* speak of the charge only to profess their disbelief of it. Others state that the assassins had long lived in Conrad's house†, after having received baptism, and exhibited every other

* The continuator of William of Tyre, and Abulfarag, a Syrian bishop of good credit in Chron. Syriac.

† The continuator of William of Tyre, John of Vitry, and Ralph of Coggeshall.

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outward proof of their conversion to Christianity. It was suspected at the time, and is now known to have been the fact, that Conrad had a secret correspondence with Saladin, by whose aid he might have expected to obtain at least an accession to his territory. Notwithstanding this intercourse, another Arabic writer* tells us that Saladin had bribed the sheik of the Assassins to destroy Conrad and Richard, but that the barbarian would do no more than half the work. As the council at which Conrad was chosen king, however, was holden on the 9th of April, and he was murdered at Tyre on the 28th, there was not sufficient time for procuring the intended agency after that choice had excited jealousy. On the whole, the account given in the supposed letters of the chief of the Assassins, or, as he is called, the "sheik ull Gibbell," produced afterwards on Richard's behalf, at the Congress of Haguenuau, is the least open to objection, the most consonant to Eastern manners, and, as the most simple, the most unlikely to have been invented, of those which have reached us of this mysterious crime.

In the course of the events which followed, it seems to have been generally acknowledged in the Christian camp that there were no means of laying siege to Jerusalem, and that the presence of the English king in his own dominions was become indispensable. Negotiations were actively carried on, obstinate battles were fought, in which losses nearly equal necessarily more weakened the invaders than the besieged, whose strength was in the country itself. The superiority of reason, principle, and temper, which distinguished Saladin, was at least as much beyond the common endowments of men, as the prodigies performed by Richard surpassed their ordinary feats of valour. A truce was concluded for three years, by which the Christians were left in possession of the coast from Acre to Joppa, and the right of pilgrimage

Sept.

* Ibn. Alatir.

to Jerusalem was secured to them. The first body of pilgrims who availed themselves of the concession, however, advanced with such disregard of all precaution, that Saladin amicably rebuked them for their negligence. The parents and relations of the murdered garrison of Acre, on their knees, implored from Saladin permission to revenge the massacre on the Christians who had fallen into their hands. But the wise and magnanimous sultan redoubled his injunctions to protect the pilgrims. The second body, of which Vinesauf, the historian, was one, experienced the utmost courtesy. The bishop of Salisbury, who led the third, was received with singular honours, and admitted to free conversation with the Mahometan chief. "What," said Saladin, "do they say among you of your king and of me?"—"My king," answered the bishop, "is owned to surpass all men in unshaken valour, and in liberal gifts. In short, if your unbelief were cured, and your endowments and virtues shared with king Richard, there would not be two such princes in the world." Saladin owned the frankness and courage of Richard, but blamed his fool-hardiness; and concluded by declaring, that "he would rather rival the wise in docility and modesty, than advance his fortune by immodesty and mere audacity." From the uniform courtesy of Saladin, however, we may be well assured that he did not risk such freedom of animadversion on the king of England, softened as it was by address and by its evident justice, till he had perceived that it would not be offensive to the bishop, to whose prayer for the establishment of priests of the Latin church at the Holy Sepulchre, at Bethlehem, and at Nazareth, hitherto frequented only by those of the Eastern, he assented with equal toleration and urbanity. Richard obtained the liberty of his deliverer Des Preaux, by exchange, for twelve Turkish prisoners.

Richard, who was as well pleased to bestow as to win kingdoms, conferred that of Cyprus on Guy de Lusignan,

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whose posterity enjoyed it for two centuries. Stern as he was, he shed bitter tears at being prevented by illness from visiting Jerusalem with the other pilgrims, declaring his determination to return speedily, that he might perform his vows at the Holy Sepulchre. Had he remained in the East six months longer, he might have fulfilled his vow more easily than he had hoped; for shortly afterwards Saladin expired, in the fifty-seventh year of his age, leaving behind him the reputation of having been the most upright and wisest prince that had ever filled a Mussulman throne. He had risen to be sovereign of Asia, from the station of a private Curdish soldier, by the general Mahometan title of the sword. "Go," said he to his standard-bearer, as death was fast approaching, "show this flag of the dead to the army, and tell them that the lord of the East could bring nothing but a single garment to the grave."—"Honour the greatest of Beings," said he to his son, "and obey his commandments; for he is the root of good, and in him is all our weal. Spill no blood; for it will one day reach thy head. Preserve the hearts of thy subjects by loving care; for they are entrusted to thee by God. Hate no one; for all are your fellow-mortals. If thou hast offended against God, repent; for he is of great mercy."

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Richard at length finally sailed from the Holy Land, about three years after his departure from England, two years from his arrival at Messina, and sixteen months after his landing in Palestine. His imperfect success left him only the name of a bold adventurer, without the praise of that method, perseverance, and prudence, of which the accomplishment of what is undertaken always affords some presumption. As a most unfortunate one he appeared in the singular mishaps of his voyage and journey homewards. He was accompanied by the queens, his wife and sister, and attended by as magnificent a retinue as the surviving knights of

England, Normandy, and Aquitaine could supply. His fleet, however, was dispersed by a storm. The royal ladies, and the greater part of the fleet, appear to have reached England in safety; but the ship conveying the King having come in sight of land near Marseilles, he was unwilling to expose himself to the resentment of the king of France and the count of Toulouse. Why he did not attempt to gain his continental dominions through Navarre we cannot conjecture. Even if a passage through Navarre was impracticable, he might still have landed in Italy, unless we suppose that he apprehended danger from the relations of the marquis of Montferrat. Whatever the reason was, he made sail for Corfu, with the intention to land on the Dalmatian coast. After escaping capture by the Greeks, also his enemies, and repelling pirates who had attacked him, he prevailed on the latter to carry him to Zara, where he landed under the name of "Hugh the Merchant," sending a costly ring to the governor, with a prayer for a safe-conduct. "Not 'Hugh the Merchant,'" said the governor, "but 'Richard the King' sends such a gift. But a prince so generous deserves no interruption. Let him freely take his way." Richard's anxiety, however, was not removed: he pushed on to another town, where the governor, a brother of the chief of Zara, had already been apprised of the quality of his guest, and less generous, despatched Roger d'Argenton, a Norman knight, in quest of him. The Norman, subdued either by presents, by promises, or by compassion, reported that no trace of such a traveller was to be discovered. Whether Richard pursued his journey by land or was shipwrecked in a voyage to Venice, is a question on which authorities differ. The utmost wariness was needful; for he had mortally offended not only duke Leopold of Austria, but all the German knights who had endured his arrogance in Palestine. Mainhard of Gortz apprehended eight of his companions. Richard himself

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fled to the town of Friesach, in the territory of Saltzburg, to avoid the hostility of Ulrich of Carinthia. Here however he met new enemies; and wandered with one William de Stagno and a little boy who spoke German, on horseback, with scarcely any nourishment, for three days and nights, till he was driven by hunger in quest of necessities to Erperg, near Vienna. He sent his servant daily to the city to buy provisions. The boy imprudently attracting attention by expensive purchases, was obliged to say, that his master was a rich merchant, who would come to Vienna as soon as he had recovered. The duke of Austria had received information of Richard's arrival, and commanded all strangers to be carefully watched. The boy going to market with the gloves of the King's armour, they were recognised by an Austrian knight who had served at Acre. He was put to the torture till he confessed the truth. A band of armed men immediately surrounded the house where Richard was. Overpowered as he was, however, he refused to surrender to any but the duke.

The royal prisoner was committed to the castle of Thierstein under the custody of Hadamar of Cuning. The duke said to him at parting, "We are more your deliverers than your enemies. Had you fallen into the hands of the marquis Conrad's friends, who track you everywhere, if you had a thousand lives you could not save one of them." Henry the Sixth, however when he heard of the arrest, said, "No duke must presume to imprison a king; that belongs to an emperor;" and Leopold was accordingly obliged to surrender his prisoner, but with a reservation of his own claims. A show of courtesy was affected, but his imprisonment at Trifels was not the less rigorous. Richard, sanguine and jovial, plunged into convivial excesses with his guards, cheering his own solitude as well as amusing their festive hours by singing and playing his own Provençal songs. He was one day answered from without by a well-known

voice, that of Blondel his minstrel, who had probably been sent from England to convey information to the King, and to gain intelligence of his situation. The latter entered into the service of the commander, and found means to obtain a full account from his master of what had befallen him. Eleanor expostulating, the pope interfered, and Henry the Sixth, more actuated by rapacity than revenge, called an assembly at Haguenaui, where every charge against Richard might be heard and determined by himself as emperor of the Romans, and supreme ruler of Western Christendom. The charges were, that Richard had supported Tancred, the usurper of Sicily, to the emperor's great cost and damage; that he had unjustly expelled Isaac, king of Cyprus, a near relation of the emperor and the duke of Austria; that he had maltreated the German pilgrims, and especially the duke of Austria; and that the murder of Conrad, the unwearied champion of Christendom, more evidently appeared to be his deed, since he had accepted presents from Saladin, and needlessly sacrificed Gaza, Nazareth, and Ascalon to that potentate. All the other accusations Richard easily answered: that regarding Conrad, however, he offered to disprove in the manner of his age. "Though an independent king is not bound to meet accusations," he said, "yet, for the sake of my honour, I am ready before this illustrious assembly to meet the maintainers of this contemptible lie in single combat." A letter was produced from the sheik of the Assassins acquitting Richard of any connivance in the crime, and declaring that Conrad was put to death by his own command, to punish wrong done to his followers. In its present form that letter is doubtless spurious; but the unskilful hands of the chroniclers might have disfigured it without encroachment on its genuineness.

In England the trial of the King was regarded with great jealousy. In Germany and France, however, the voice of the people, exasperated by the accounts which

CHAP. the pilgrims gave of his insolence, was altogether ad-
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To facilitate accommodation, Henry, after the correspondence through Blondel, permitted Hubert, bishop of Salisbury, and William, bishop of Ely, who was chancellor and one of the regents, to come to the King at Trifels, where it was agreed, that Richard should meet the emperor at Haguenau, for a final adjustment of differences. Richard wrote from that place to his mother, to collect funds for his ransom; and Henry on the same day wrote a letter to the nobles of England to the same effect. A convention was executed by which it was agreed, that the imperial ambassadors were to receive a hundred thousand marks of pure silver; that the King should also pay fifty thousand marks to the emperor and the duke of Austria, giving sixty hostages to the emperor for thirty thousand, and seven to the duke of Austria for twenty thousand; with the condition annexed, however, that the fifty thousand marks were to be remitted if Richard should perform a private promise which he had made about his brother-in-law Henry, late duke of Saxony. On these terms Richard was to be set free after Christmas. The conditions were notified to the primate and council by letters from both princes at Spire:—so sordid and base were the objects really aimed at in a solemn proceeding, where a great monarch was brought to trial before an emperor and the most illustrious princes, for having by a foul murder brought dishonour on the Christian name. The purpose of all this pomp was no more than to extort one hundred thousand marks of silver.

To pay the ransom, the plate of all the churches and monasteries was taken. The Cistercians, who had no plate, were forced to give up their wool. "England," says an ancient annalist, "from sea to sea was reduced to the utmost distress." Eighteen months after his departure from Acre, Richard landed once more on

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English ground at Sandwich, and was soon after crowned a second time at Winchester. The people, distressed as they were, manifested an honest joy at the liberation of their king, and found vent for the pain of their sufferings in invectives against the emperor and the duke. During his absence, his brother John, prompted by Philip Augustus, had disturbed England and Normandy by insurrections. Richard therefore on his return found himself in a state of hostility with Philip, sometimes suspended by insincere armistices, sometimes varied by indecisive battles, till he was mortally wounded before Chaluz, the obscure castle of a rebellious vassal, in the province of Limousin, after a reign (if it must be so called) of ten years, not one of which was passed in England, the seat of his power and the principal source of his wealth and greatness.

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The actions, perhaps, of no man give a more lively picture of his character than those of Richard. He has been compared to Achilles; but the greatest of poets chose to adorn his savage hero with sorrow for the fate of Patroclus; an infirmity which cannot be imputed to Richard, who had in every respect the "heart of the lion."

The insignificant fragments which remain of Richard's Provençal poetry serve only to show, that the Plantagenets were still foreigners, and that the English language had not yet raised its head since the blow struck at it by the Norman invaders.

The thirteenth century may probably be considered as a period of as great, though not so visible, a stride of the human understanding in Europe, as many of the brighter and more brilliant ages which have succeeded it, though in the latter perhaps greater numbers shared in the advance. At the head of its improvements may be placed the reforms of religious instruction, not only for their own importance, but as the sole means at the time of rousing and invigorating the

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human faculties, both intellectual and moral. The Benedictines, the first reformers of the Catholic clergy, having in their turn become rich and lazy, the Dominicans and Franciscans now arose in their stead; growing with a rapidity perhaps unparalleled either by the order of the Jesuits among Catholics, or by the followers of Wesley and Whittfield among Protestants. They renounced not only separate but corporate property; throwing themselves, for the bare means of subsistence, upon the alms of the pious and benevolent. Excited by the example of the Vaudois, who had become popular by a severely literal adherence to some texts of the Gospel, these mendicant orders embraced the same voluntary and absolute poverty, gaining that general ascendant which is generally yielded to a life of self-sacrifice. The scholastic philosophy, that great sharpeners and methodisers of intellect, the cultivation of which prepared the soil for the rich produce of after times, attained its utmost vigour and splendour, the vernacular languages began to be cultivated, and a native literature showed its early blossoms in Sicily, in Tuscany, in Suabia, in southern and northern France, in England, first as the Anglo-Norman, under Henry the Second, afterwards as the English, under Edward the First. The seed was so far scattered that some poetical flowers began feebly to bloom even in remote, distracted, and barbarous Scotland. The more active and general study of the Roman law contributed to greater precision in all moral opinions, raised up competitors against the theologians, and was actually denounced, and sometimes suppressed, by the most sagacious of that powerful body, while it brought home to all men of moderate education the wisest system of jurisprudence then known. The religious chivalry, exhibited in the crusades, probably guarded Christendom from the fanatical ambition inculcated by the Mussulman religion. Festive chivalry, consisting of jousts, tilts, and tournaments; scenic representations of chivalrous enterprise and such like, may

be considered as the gorgeous vesture of ornament and parade in which the feudal chiefs arrayed themselves, to remind men of their prowess, and to display at once their skill and their magnificence. As the manners of this class began to be softened, they became more naturally the predecessors of the modern gentlemen of Europe. The union of the whole Christian world to form one army, the journeys of vast numbers of men, including a majority of the higher classes, to renowned countries unlike their own, and the necessity of loans for these undertakings, produced effects on the European mind and circumstances of which the bare mention suggests the nature and extent.

The disputes between popes and temporal sovereigns were drawing towards a close, when the papal pretensions were carried to their utmost extravagance, in the first years of the thirteenth century, by Innocent the Third, a pontiff not of so creative and commanding a mind as Gregory the Seventh, but less reserved, and, for the time, more favoured by circumstances. Among the best consequences of these controversies, was that of their teaching the possibility of maintaining the civil rights of various classes without an appeal to arms, and with some mixture of an appeal to law and reason. The principles to which popes and kings paid an apparent deference at least in their fiercest debates, were applied in discussing the political privileges of the laity, and contributed mainly to the success of that renowned struggle known in our history by the name of the "Barons' Wars." To these principles it is owing that the reign of JOHN, though the most contemptible of princes, is perhaps the most memorable portion of our ancient history.

Though all monarchies, except the German Empire, were now becoming hereditary, yet the principle of inheritance was by no means established as a rule of law. It was still a question, whether the crown devolved on

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CHAP. a brother alive, or the son of an elder brother deceased.
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1199. There were now accordingly two competitors for the crown of England, John, who was next in blood to the late king, and Arthur, duke of Brittany, a step more distant from him, but the representative of his father Geoffrey, the elder brother of John. Anjou, Touraine, and Maine, the domains of the Plantagenets, with Poitou, a vast portion of Eleanor's dower, declared for Arthur. Normandy, more connected with England, and the remoter duchy of Guienne, almost foreign to France, acknowledged John; who, by the aid of his mother Eleanor, had possessed himself of Richard's treasure, and compelled Constance with her son Arthur to take refuge at the court of Philip Augustus. Hubert the primate, and William, earl marshal, were in the meantime despatched to England, where they assembled those of the nobility who were supposed to be wavering in their allegiance, whom, by promises of good government and by secret gifts, they prevailed upon to take the oath to John, in a parliament held at Northampton. That prince soon after landed at Shoreham, and on the following day was crowned at Westminster, after a speech from Archbishop Hubert, in which he announced to the audience that John had been elected king (alluding to the proceedings at Northampton), and laid it down as a known principle, that no one could be entitled by any previous circumstance to succeed to the crown, unless he had been chosen by the body of the nation, according to the examples of Saul and David, who were not even of royal race. John, says Matthew Paris, assented, and the persons present cried out, "Long live the King!" A fruitless struggle against Philip, the most conquering of the Capetian kings; a vain attempt to brave the last, and, perhaps, fiercest storm from Rome; and an attempt, happily as unsuccessful, to quell the rising spirit of the leaders of the people in a contest for their own

rights and (it must in justice be said) for the rights of the whole nation, are the events of this reign.

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The object of the first of these was to decide the long controversy whether the Capets or the Plantagenets were to be the greatest of French powers. Hitherto mental capacity and material force had all been on the side of the latter. The vigorous genius of Philip, however, and the constant dissensions in the house of Plantagenet, now turned the scale. The ambition of Philip was not fettered by morality or decorum. He did not scruple to employ the young duke of Brittany merely as his tool; outwardly, however, he acted a friendly part towards him, knighting him and giving him his daughter Mary in marriage. But an occasion soon presented itself of giving him still more effectual succour. John, with his accustomed indulgence of licentious passion, had divorced his queen, Alice of Gloucester, and taken to his bed Isabella of Angoulême, one of the most celebrated beauties of the age, though she had been solemnly betrothed to the count de la Marche. That nobleman and the rest of his order were in the highest degree incensed, and took up arms against him. Philip sent Arthur with a military retinue into the dominions to which he laid claim: who laid siege to Mirebeau, a fortified place near Poitiers, held by the unwearied Eleanor, who, at the age of fourscore, had just returned from a journey into Spain, whence she had brought her grand-daughter, Blanche of Castile, to be wedded to Louis, the heir of Philip. When the town had been taken, the veteran amazon threw herself into a tower which served as a sort of citadel, where she held out till the arrival of John, who compelled the besiegers to surrender. Not one knight of the little army escaped death or a prison. The prisoners, amounting to two hundred knights, with the count de la Marche and the viscounts of Limoges, Thouars, and Lusignan at their head, were loaded with irons, tied in

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open carts drawn by bullocks, and afterwards thrown into various dungeons in Normandy and England. Twenty-two of the party were starved to death in Corfe Castle.

Arthur was brought prisoner to Falaise, where all accounts agree in representing him as having been confined for some time. The short remainder and tragic conclusion of his life have been variously related. The accounts, however, are not inconsistent with one another; as the scenes described by the different writers may all have occurred, though at different stages in the long imprisonment which ended in this foul deed. "John," said Matthew Paris, "went to his nephew at Falaise, and kindly besought him to trust his uncle. Arthur, foolishly betraying his indignation, cried out, 'Restore to me my kingdom of England!' He was immediately sent to close prison at Rouen. Not long after he suddenly disappeared, I trust not in the way that malignant rumour alleges. It was generally suspected that John had murdered him with his own hand, who became therefore the object of the blackest hatred of mankind." The monks of Margan tell us, "that John being at Rouen, in the week before Easter, 1203, after he had finished his dinner, under the influence of drunkenness and malignant fiends, literally imbrued his hands in the blood of his defenceless nephew, and caused his body to be thrown into the Seine, with heavy stones fastened to his feet; that the body was notwithstanding cast on shore, and buried at the abbey of Bec, secretly, for fear of the tyrant." Ralph, abbot of Coggeshall, the most nearly contemporary of the chroniclers, tells the melancholy tale more minutely. "Some of John's counsellors," according to this authority, "suggested to the King the necessity of unfitting Arthur for rule by blinding him, and depriving him of the hope of posterity by mutilation. The wretches sent to Falaise to execute this command were disarmed by the tears and

cries of the poor boy. Hubert de Burgh, his warden, took upon him to suspend the cruelties till the King was further consulted. This appeal only produced his removal to Rouen." Shortly after, at midnight, Arthur was suddenly awakened, and ordered to come out of the tower. At the door, he found his merciless uncle, with Walter de Mauluc, his equerry, in a boat. The hour of night, perhaps former scenes of horror, above all, the threatening countenance of John, filled the unhappy youth with the utmost terror. He threw himself on his knees, and with a flood of tears implored his uncle to spare his life. But John had gone too far to retreat. Some say that Mauluc, when ordered by John to murder the boy, shrank from the deed, and that John himself, seizing his nephew by the hair, stabbed him with his own hands, and threw his body into the Seine. The narrative of Hemingford and Knighton, which describes Mauluc as the executioner, is confirmed by the circumstance, which they mention, and which is otherwise established, of John's having bestowed on him the heiress of Mulgref in marriage, for his assassin's fee.* In the essential parts of the crime all writers agree. The small number of English writers who do not speak of the murder are equally silent respecting the notorious fact of the disappearance of Arthur, which they could have had no reason for being afraid to relate but their conviction of the guilt of John. In all who have dared to speak, we can plainly perceive a sort of rivalry in expressing the horror felt by their contemporaries, more than outweighing in the scales of evidence any mistakes or exaggerations into which these honest feelings may have betrayed them.

By this murder John lost one-third of his dominions at a blow. Philip summoned him, as duke of Normandy and Aquitaine, to answer before the court of his peers,

* Dugdale, *Baronage*, vol. i. p. 733. His family were lords of parliament for about two hundred and forty years.

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to a charge of having murdered, within the jurisdiction of the realm of France, Arthur, duke of Brittany, a vassal of the French crown, with the aggravations that the murdered duke was his own nephew, his vassal whom he was feudally bound to protect, and son-in-law of his lord paramount, to whom he owed honour as well as fealty. John demanded a safe conduct; but to what purpose is a trial for murder, if it is to be preceded by a promise of impunity? He did not appear. He was then pronounced to be contumacious, and to have forfeited all the provinces which he held from the crown of France; which accordingly, all but Guienne, were actually annexed to that crown; and sentence of death was passed upon him as a felon to his liege lord. Had the murder been committed on a private man, the court of peers might not have had jurisdiction. But the murder of the duke of Brittany by his immediate superior, the duke of Normandy, was felony against the lord paramount, from whom the power of John over his vassal must, on feudal principles, be considered as having flowed. Philip justly observed, that he did not lose his seignorial rights over the duke of Normandy by that prince's becoming king of England. Nor does it appear that the proceeding, however unusual, or how much soever influenced by ambition, was a departure from feudal law.

Some delay took place in effecting the above annexation to the French crown of Brittany; in part attributable, no doubt, to the prudence of not condemning rich spoils till they were mastered, but indicative of temper and consideration in the conduct of so weighty an affair. Eleanor, the sister of Arthur, a princess distinguished by her beauty, became the heiress of the duchy after the murder of her brother. But her unnatural uncle carried her prisoner to England, where she was for forty years immured in a monastery at Bristol, conformably to the barbarity of an age which tolerated no rival near

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a throne. The ducal crown of Brittany accordingly devolved on Alix, the daughter of Constance by her third husband. This princess, by the attainder of John, had become an immediate vassal of Philip, who gave her hand to Peter de Dreux, descended from a younger son of Louis "le Gros;" a prince of the blood, whose rights, in consequence of the principle arbitrarily adopted in after times, by which St. Louis was made the stock of the house, were neither recognised by law, nor capable of being historically disputed. In the same doubtful condition were left the descendants of another son of the same monarch, who married the heiress of the house of Courtenay, of which a branch had settled in England. The duchy of Brittany continued to be a scene of constant intrigue and conflict between France and England, till the close of the fifteenth century, when, by the marriage of Louis the Twelfth to Anne, duchess of Brittany, that great province was finally merged in the crown of France.

The Plantagenet dominions, as far as Rochelle, were subdued with so little difficulty, that we may hope for the consolation of ascribing the conquest to the abhorrence universally inspired by the murder of Arthur. The attempts of John to recover these fair and ample domains were alike pusillanimous and imbecile. No criminal ever less covered his crime by courage or capacity. We are unacquainted with the circumstances which preserved the connection of the duchy of Guienne with England: if indeed it was owing to any other cause than the mutual jealousies of southern and northern France. A truce was concluded between the two kings for two years at Thouars, by which all the provinces north of the Loire were in effect ceded to France.

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Thus branded by cowardly murder, foiled in arms, outwitted in policy at the moment when he had ratified the sentence of infamy against him for acquiescence in the seizure of a third of his dominions, John, who as

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1206. Vatican, then wielded by a pontiff who had dragged the crowns of France and Germany at his wheels. The jurisdiction over matrimonial causes granted to bishops by Christian emperors was a natural consequence of the religious rites with which marriage was then solemnised, and of the character of a sacrament, or eminently sacred rite, attributed to that important union. But after the universal acknowledgment of papal supremacy, it became a power most formidable to princes, as enabling the sovereign pontiffs to invade their domestic peace, and render their succession disputable. Innocent the Third had enlarged the prohibition of marriage between relations to the seventh degree. His weapons against kings were so much sharpened by this extension, that it is difficult to acquit so ambitious a pontiff of a sinister purpose in a regulation otherwise so unreasonable. With so wide a prohibition, it was not always easy to avoid the impediment of consanguinity; and as it was not always easy to draw the line of distinction between impediments with which the Church might dispense and those which were beyond her power, the legitimacy of all children whose inheritance was important became still more dependent on a rival and often hostile jurisdiction. Philip had, on a false allegation of consanguinity, obtained a release, by a French synod, from the bands of wedlock with his second wife, a Danish princess, against whom he had conceived a repugnance. In spite of an appeal to the Pope, he wedded another lady, Agnes, the daughter of a Tyrolese lord, an act for which Innocent laid his kingdom under an interdict. Philip, powerful and bold as he was, felt the necessity of yielding. Agnes, whom he had sent to a castle to which he intended to continue his visits, fell a victim immediately to wounded honour or affection. The Danish princess was restored to her royal dignity, and

her husband's hatred. Innocent, as having asserted his authority in an instance where its exercise might be vindicated by specious and even solid reasons, alone triumphed. He also excommunicated, in succession, two sovereigns of Germany, Philip of Hohenstaufen, king of the Romans, and Otho of Brunswick, the son of Henry "the Lion" by Matilda Plantagenet. The last of these princes was the nephew of Richard and John. He had been made duke of Aquitaine and earl of Poitou and York by his uncle, and was the natural leader of the Guelph or Papal party; but his zeal for the independence of the Germanic crown prevailed over the point of honour of adhering to a party the original principles of which were nearly superannuated, and little more than the name remained. The Roman Pontiff had, on all these occasions, the great advantage of being able to select his cases. The men of experience and sagacity who directed the court of Rome were seldom obliged to wait long for such misconduct of princes as would justify pontifical severities, if it were possible to forget the motives for their infliction, and the consequences of their success.

A dispute had been going on for some time, whether the archbishop of Canterbury was to be chosen by the monks of St. Augustine's abbey in that city, or by the suffragan bishops of the province. In this was involved the real and most important question, whether the nomination was to be in the king or the pope; for the bishops were accessible to the influence of the crown, while the monks, according to the genius of their order, were devoted to Rome. John had resolved to raise the bishop of Norwich to the primacy; and, when he allowed the monks to make a journey to Rome, had obliged them to swear that they would recognise none but that prelate as archbishop. When the news of Hubert's death, however, reached Rome, Innocent absolved them from an oath which he held it criminal to

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have exacted, and commanded them, under pain of the heaviest censures, to proceed to an election. They chose Stephen Langton, who in the sequel proved himself worthy of the highest stations. John, incensed at this proceeding, took possession of the monastery, seized on its estates, and banished the remaining monks. He angrily reproached the Pope for presumption and ingratitude, declaring that he would sacrifice his life for the rights of his kingdom, and announcing his determination, if the wrong were not immediately repaired, to break off all intercourse with Rome. Innocent was not slow in maintaining his authority. He laid all John's dominions under an interdict, which, in spite of menaces of that monarch, was published at London by the bishops of London, Ely, and Worcester. From that moment all churches were shut, and all the rites of religion forbidden, with the exception of baptism, confession, absolution, and extreme unction. To prohibit a great nation from performing any office of religion or entering into the most important relations of life, was not, however, the last extremity of Papal displeasure. After inflexibly maintaining the interdict for two years, Innocent proceeded to excommunicate, and, by consequence, to depose, the king. As the excommunication extended to all who had any intercourse with him, it amounted to the annihilation of all government, law, and property, the impunity of crimes, and the destruction of all contracts and dealings. Jeffrey, archdeacon of Norwich, one of the barons of the exchequer, declared on the bench that, as the king was excommunicated, it was no longer lawful to act in his name. The laity, however, disregarded these fulminations; which so little lessened John's strength, that the only successful expeditions of his reign, those against Ireland and Wales, occurred during the period of his proscription by the Roman See.

Moved by this firmness, Innocent sent two legates,

Pandolph and Durand, into England. They were admitted to an audience of the king at a parliament holden at Northampton; when they dared to declare to him, that he was bound to obey the Holy See in temporal affairs as well as in the concerns of religion. John refused to make so monstrous a submission. Whereupon the legate pronounced sentence of excommunication against him with a loud voice, releasing his people from their oaths of allegiance, degrading him from his regal dignity, and declaring him and his posterity to be for ever excluded from the throne. On this occasion, a circumstance is related of John which almost surpasses belief. Desirous of intimidating Pandolph, he ordered a number of prisoners to be brought before him, probably either Irishmen or Welshmen, who had fought for their country under their native princes. He then commanded part to be hanged, part to be blinded, and part to have their feet chopped off. All this was done in the presence of Pandolph. He remained unmoved however. But when it was ordered that a priest charged with forgery should be hanged, the legate's wrath awoke. He rushed out of the apartment in quest of a candle in order to perform his excommunications, and was only appeased by the surrender of the priest into his hands. On the return of the legates, Innocent solemnly ratified all their proceedings against John. His next step was to commit the execution of his final and irrevocable sentence to the king of France, whom he assured of the pardon of his sins if he would execute this pious purpose, promising at the same time to grant him the kingdom of England when it was delivered by his hands from an impure and unnatural oppressor of the Church.

Philip accordingly commanded a great army to assemble at Rouen, whence they were to march to Boulogne, where an armament of seventeen hundred vessels had been prepared to convey them across the channel. John collected a large army at Dover. He had every outward

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means of defence; but he was known to be without spirit or manliness. Pandolph despatched a knight Templar from the French coast to practise on his fears. These men, who visited all the western and some eastern courts, were not without diplomatic address and insinuation. The legate, who followed them privately, filled John with dismay by magnifying the French force, and truly representing the general and very just disaffection of the English barons. The trembling king implored the protection of Rome, whatever submission it might cost. The legate assured him that the supreme Pontiff would require nothing which was not absolutely necessary either to the honour of the Church or to the safety of the king himself; and he proposed to withdraw his excommunication, on condition of John's promising to receive Langton, with all the bishops and clergy who acknowledged him, and to make compensation for the damage which they had suffered. The consummation of ignominy, however, was yet to come. Under the specious pretence of securing England from the attacks of Philip, it was suggested to the king that he should surrender his kingdoms to the Pope as lord paramount; swearing fealty to him, and paying him an annual tribute. John accordingly performed the degrading ceremonial of re-signation, homage, and fealty. On his knees he humbly offered his kingdoms to the pope, putting them into the hands of the legate, who retained them for five days. He also offered his tribute, which the legate threw from him, but afterwards stooped to gather. The nuncio then went to France, to announce to Philip that he must no longer molest a prince who was a penitent son and a faithful vassal of the Holy See, nor a kingdom which was now part of the patrimony of St. Peter.

The king of France, yielding to the threats of the nuncio, abandoned his proposed invasion of England. An English fleet of five hundred vessels, however, sent to the succour of the earl of Flanders, then at war with

Philip, obtained a signal victory over the French ships conveying the stores of Philip. The soldiers who defended the latter having gone ashore to plunder, the mariners were surprised by the English, who made prize of three hundred vessels, burning one hundred, with the whole ammunition and provision of the French army. These battles between soldiers embarked in boats navigated by seamen or fishermen, were not what are called in modern language maritime engagements. This action, however, assisted to oblige Philip to abandon his attack, and may be thought curious, as the first conflict on the sea between the two nations.

The issue of the next campaign on the continent was very different. John landed at Rochelle to carry the war into his former dominions of Poitou, where he boasted of having gained some advantages. These were nullified, however, by the total defeat of his ally the Emperor Otho, with an army of one hundred and fifty thousand Germans, English, and Flemings, by Philip, at the head of an army of not half the number; one of the most signal victories of the Middle Ages, and memorable for the importance then first ascribed to the trained bands of towns and to foot soldiers not noble.

This year Innocent the Third called together the assembly which became memorable under the name of the Fourth Council of Lateran, which, composed of four hundred bishops and eight hundred abbots and priors, might be justly considered as fully representing the Western Church. Here the ambitious Pontiff exercised the fulness of his assumed authority. The council was principally directed against the heretical Albigeois, who prevailed in the country from the Loire to the Ebro, numbering the king of Arragon and several independent princes among their leaders. By the decrees of this council, all persons convicted of heresy were to be delivered for capital punishment to the secular ruler, who was required, under pain of excommunication, to make oath that he

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would exterminate such heretics. If he did not take the oath within a year, his contumacy was to be reported to the Sovereign Pontiff, who might declare his vassals absolved from their allegiance, and bestow his land on Catholics who concurred in the extermination of heretics. Being a measure, however, of a temporary nature, though undoubtedly acts of gross usurpation upon the civil magistrate, these decrees did not possess that essential form without which they were not vested with the awful character of being for ever binding on the Church. But Innocent was the last of the Hildebrandic pontiffs. His successors, indeed, till the end of the century, followed his example in acts of usurpation, in some of their circumstances still more flagrant than his. But the genius and spirit of the Gregories and the Innocents had departed from the Vatican. The qualities necessary to uphold such pretensions are very rare. In the pontificate of Innocent, and at the Council of Lateran, the popedom had reached its zenith. After that time the frontiers of papal power were not extended. In the decrees of that usurping assembly, the spirit of Gregory the Seventh blazed forth with a violence at which he might have himself wondered.

The whole thirteenth century continued, however, to be a flourishing period of papal power, eminently signalised by the defeat of Frederick the Second, and the destruction of the house of Hohenstaufen. But the removal of the popedom to Avignon, its consequent dependence on the kings of France, and the great schism which for many years divided Europe between rival pontiffs, hastened the decay of the pontifical authority. The Council of Constance, resembling the English Parliament of 1641 in blows against monarchical usurpations, and in severity against further innovation, did indeed heal the wounds of the Church by closing the schism, but did not effect its purpose without decreeing the superiority of general councils over popes, and asserting their au-

thority by requiring all pretenders to the popedom to resign, and deposing those who refused to obey.

John was the last and most ignoble opponent over whom Innocent triumphed. Early in his reign he became unpopular; and we soon discover the discontent of the nobility in their reluctance to follow him in those expeditions which were their chief delight. This rising spirit cannot be ascribed to the contagion of popular government, to which little inclination seemed as yet to have been shown anywhere but in Italy. The King owed part of the general dislike in which he was held to his unnatural murder of his nephew. The cowardice which characterised that act, if not its cruelty and treachery, could hardly fail to be odious to a nobility not wanting in esteem at least for the single virtue of valour. His insolent treatment also of their wives and daughters (for it does not appear that he descended to plebeian amours) touched their honour in a susceptible point. By the tenor of the charter extorted from him it evidently appears that he abused the facilities of oppression which belonged to his paramount seignory; though the monastic historians were, perhaps, too little acquainted with the forms of law and the course of business to particularise his acts of tyranny. Hated as he was for his crimes, it is still more certain that he must have been despised for their unfruitfulness. "All that I have lost," he said, referring to the forfeiture of his French dominions, "I shall recover in a day." Yet he never recovered a rood of land. Boasts so loud are ill followed by failures at once fatal and complete. Great governments cannot forfeit the respect of foreign states without being lowered in the eye of their own subjects. The chain which connects the foreign policy with the domestic authority of a government may sometimes not be obvious, but it is generally discoverable. When John subjected himself to the Pope, to protect him against France, he incurred that disgust and alienation of his

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own subjects which rarely fails to attend princes who throw themselves on foreigners for protection. Discontent had gradually grown into disaffection: during the last ignominious scenes, disaffection had ripened into revolt.

Stephen Langton, though raised to the primacy under circumstances which might have thrown doubts over his patriotism, exercised his great power as became an Englishman. When the King was absolved at Winchester, Langton, probably suspecting collusion between the tyrants, administered an oath to the King, by which he bound himself to abolish unjust laws, and to restore the good laws of Edward. In a great council holden at St. Alban's, John commanded that the laws of Henry the First should be observed; a form more grateful to a Plantagenet than one which involved a reference to a Saxon prince. The provisions of the charter of Henry the First, or rather the inferences which might be drawn from it, were probably as little understood by the King as by the barons. At a meeting of prelates and peers at St. Paul's, Langton apprised them—not of the existence of that charter but—of the extensive application of the principles and express words of it to their present grievances. It was no wonder that they should rejoice at finding means of redress in an appeal to those very concessions of a Norman sovereign which the King had just issued orders to observe. Langton became henceforward the adviser of the confederated barons. Fuel was added to the flame by the attempt of John on the beautiful wife of Eustace de Vesci, a distinguished baron. When John, with his accustomed insolence, was boasting of his success over a woman celebrated for her virtue as well as her charms, De Vesci could not refrain from saying, that she had substituted in her stead a loose and low female, disguised in the apparel of the high-born dame. John threatened him with death for this bold stratagem. De Vesci, with other sufferers from the like

outrages, flocked to the council of the confederates. An assembly of that body met at the abbey of St. Edmundsbury, where they solemnly swore upon the high altar to withdraw themselves from the King's fealty, and to wage war against him till he should confirm by a charter the liberties which they demanded. In pursuance of this resolution, they proceeded to present their petition to the King, and entered London for this purpose with all the array and parade of war. They there required of him that he should restore the old laws, abolish the new oppressions, and fulfil all that he had lately and solemnly sworn at Winchester. The King, contrary to his nature, but perceiving that the warlike petitioners were ready to constrain him by force, if by no gentler means they could prevail, thought it safer to turn their minds from immediate violence by gaining time, which they granted till Easter. Both parties had applied to the Pope, who had openly and heartily espoused the cause of his vassal, exhorting the barons in a circular letter (of which the copy addressed to De Vesci is still extant) to lay aside conspiracies against their liege lord, now the dear son of his Holiness. Both parties, also, distrusting negotiation, made such preparations for war as they could. In these, however, the barons had the immeasurable superiority. In Easter-week they brought together a large and well-appointed force of their followers at Stamford, composed of two thousand knights, with every other force in proportion, and marched to Brackley; while John, restless and friendless, had stopped for repose at Oxford, from which the baronial army was distant only fifteen miles. He sent the archbishop and the earl of Pembroke, who had not ceased to attend him, to learn their demands. They sent in writing the articles afterwards presented to him for his assent. They announced also, that, unless these rights and liberties were immediately granted, they should proceed, by the capture of his castles, lands, and possessions, to compel him to do justice in the pre-

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mises. The archbishop brought the articles to the King, which, though they were in writing, he repeated gravely and aloud, from his thorough remembrance of what he probably composed. The King, with a scornful sneer, exclaimed*, "And why do they not also demand my kingdom!" He then furiously swore "that he should never grant liberties which would make himself a slave." On learning this refusal, it was unanimously determined by the barons to appoint Robert Fitzwalter to be their general. Repulsed from Northampton, they were received favourably at Bedford, where deputies came to announce to them the important accession of the city of London to the league, and secretly intimated to them that, if they wished to possess the capital, they should make haste to appear before the gates. They accordingly advanced by hasty marches, and took possession of London. Meanwhile, advice was received that, in spite of the remonstrances of De Vesci, the ambassador of the confederates, it had pleased the Pope to issue a bull in favour of his vassal. In England, these tidings were received only with indignation. The barons despatched summonses to all such of their order as, however lukewarmly or only apparently, still adhered to John, requiring them, under pain of being treated as public enemies, to leave a perjured King to his fate, and join those who had taken up arms to secure the liberties of the people, and to establish the quiet of the kingdom. The far greater part obeyed the summons, and repaired to the confederates assembled at London. John retired to Odiham, where his humble court was now reduced to seven attendants, of whom some are known to have been in their hearts in the barons' camp.

The king now looked round his unquiet retirement with dismay. Appalled by the general secession, he contracted a vindictive hatred against the barons, but discovered the necessity of hiding his revengeful purpose

* Matthew Paris.

under the mask of conciliation. At the moment when negotiations were apparently advancing, he was secretly labouring, by application to Rome, to stir up the most formidable of enemies against them. "It is needless," say the ancient writers, "to enumerate the barons who composed 'the army of God and of Holy Church:' they were the whole nobility of England;" a phrase nearly equivalent to what in modern language would be called the nobility and gentry. Their followers comprehended all the yeomanry and free peasantry, while the accession of the capital was a pledge of the adherence of the citizens and burgesses. A safe-conduct was granted by John to the deputies to meet him at Staines; and two days afterwards, he, being at Windsor, agreed to a prolongation of the truce to Trinity Monday. On that day both parties advanced to a plain called "Runnymede," on the banks of the Thames, where they encamped apart from each other, like declared enemies, and opened conferences which were not concluded for four days. The preliminaries being agreed upon, the barons presented heads of their grievances, and of the means of redress, in the nature of the bills now offered for the royal assent, except that the King, instead of a simple assent, directed, according to a custom which prevailed long after, that the articles should be reduced to the form of a charter; in which state he issued them as a royal grant, with all the formalities and solemnities attending the promulgation of fundamental laws. Copies were forthwith despatched to the counties and dioceses of the kingdom.

Measures still more decisive were adopted to curb a faithless King, who had surpassed even his forefathers in falsehood. He was compelled to surrender the city and tower of London, to be kept by the barons till the 15th of August, or until he had completely executed the charter. A still more rigorous provision for security, involving in it a solemn declaration of the lawfulness of resistance to oppression, was required by the barons,

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empowering them to name twenty-five of their number to be guardians of the liberties of the kingdom, with power to these, if they saw any breach of the charter, and if redress was denied, to make war on the King, to seize his castles and lands, and to distress and annoy him in every possible way till justice was done ; “ saving only the person of the said lord the king, the person of the queen, and the persons of the royal progeny.”

Many parts of the Great Charter were pointed against abuses of the power of the King as lord paramount, and have lost their importance since the downfall of the system of feuds, which it was their purpose to mitigate. But it contains a few maxims of just government, applicable to all places and times, of which it is hardly possible to over-rate the importance of the first promulgation by the supreme authority of a powerful and renowned nation. Some clauses, though limited in words by feudal relations, yet covered general principles of equity which were not slowly unfolded by the example of the charter, and by their obvious importance to the safety and well-being of the whole community.

Aids, or assistance in money, were due from vassals for the ransom of their lord, for the knighting of his eldest son, and for the marriage of his eldest daughter ; but they were often extorted when no such reasons could be urged. Escuage or scutage was a pecuniary compensation in lieu of military service ; but as the approach of war was an easy pretext, it was liable to become an almost arbitrary one. Tallage, an impost assessed on cities and towns, and on freemen who owed no military service, according to an estimate of their income, was also in its nature arbitrary. The barons, however, showed no indifference to the condition of the inferior classes ; for in their articles they require parliamentary consent to the tallages of London and all

other towns, as much as to the aids and scutages which fell upon themselves. In the charter itself, however, tallage was omitted; the liberties of London and other towns were asserted generally. But it contained the memorable provision — “No scutage or aid shall be raised in our kingdom (except in the above three cases) but by the general council of the kingdom;” a concession which, though from motives unknown to us, was not so extensive as the demand, yet applied to bodies so numerous and considerable as sufficiently to declare a principle which could not long remain barren, that the consent of the community is essential to just taxation; and which, after first guarding against arbitrary exaction, in due time showed the means of peaceably subjecting regal power to parliamentary and national opinion. By the charter, as confirmed in the first year of the next reign, even scutages and aids were reserved for further consideration as grave and doubtful matters. But the formidable principle had gone forth. Every species of impost without the consent of parliament, was not however expressly renounced till the statute called *Confirmatio Chartarum*, in the twenty-fifth year of Edward the First, fourscore years after the Great Charter.

To constitute this “general council” for the levy of aids, says the charter, “we shall cause the prelates and greater barons to be separately summoned by our letters; and we shall direct our sheriffs and bailiffs to summon generally all who hold of us in chief; and we shall take care to publish the cause of the summons in the same way, and give forty days’ notice of the meeting.” To the upper house of our modern parliament this clause is still perfectly applicable. From the lower house the “general council” of John’s charter essentially differs, in excluding representation, and in confining the right of concurrence in imposing taxes to the direct tenants of the crown. It presents, however,

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CHAP. the first outline of a parliamentary constitution. The
 IV. chapters on this subject, with others less important,
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 ground that they contained grave and doubtful matters.
 Whether this reason was honest or evasive, we cannot
 positively ascertain; but in Henry the Third's reign, as
 we shall soon see, a house of commons, such as the
 present, certainly was assembled.

The thirty-ninth article of the charter is that important one which forbids imprisonment and punishment without lawful trial:—"Let no freeman be imprisoned or outlawed, or in any manner injured nor proceeded against by us, otherwise than by the legal judgment of his peers, or by the law of the land." In this clause are found the germs of the writ of *habeas corpus* and trial by jury, the most effectual securities against oppression which the wisdom of man has hitherto been able to devise. It is surely more praiseworthy in these haughty nobles to have covered all freemen with the same buckler as themselves, than it is worthy of blame not to have included serfs in the same protection. "We shall sell, delay, or deny justice to none." No man can carry farther the principle that justice is the grand debt of every government to the people, which cannot be paid without rendering law cheap, prompt, and equal. Nor is the twentieth section unworthy of the like commendation:—"A freeman shall be amerced in proportion to his offence, saving his contenement, and a merchant saving his merchandise." And surely the barons must be acquitted of an exclusive spirit who subjoin, "and the villain, saving his waggonage." It seems to be apparent from Glanville that villainage was a generic term for servitude in the reign of Henry the Second, so that the villain of the Great Charter must have been at least a species of serf. The provision which directs that the supreme civil court shall be stationary, instead of following the king's person, is

a proof of that regard to regularity, accessibility, and independence of public justice, of which the general predominance peculiarly characterises that venerable monument of English liberty. The liberty of coming to and going from England, secured to foreign merchants of countries with whom this kingdom is at peace (unless there be a previous prohibition, which Lord Coke interprets to mean by act of parliament), even if we should ascribe it to the solicitude of the barons for the constant supply of their castles with foreign luxuries, becomes on that very account entitled to regard, inasmuch as the language must be held to have been deliberately chosen to promote and insure the purpose of the law.

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It is observable that the language of the Great Charter is simple, brief, general without being abstract, expressed in terms of authority, not of argument, yet commonly so reasonable as to carry with it the evidence of its own fitness. It was understood and remembered by the simplest of the unlettered age for whom it was intended; and though they did not perceive the extensive consequences which might flow from it, their feelings were, however unconsciously, exalted by its generality and grandeur.

It was indeed a peculiar advantage that the consequences of its principles were, if we may so speak, only discovered gradually and slowly. It gave out on each occasion only so much of the spirit of liberty and reformation as the circumstances of the particular generation required, and its character would safely bear. For nearly five centuries it was appealed to as decisive authority on behalf of the people. Its effect was not altogether unlike the grand process by which nature employs snows and frosts to cover her delicate germs, and to hinder them from rising above the earth till the atmosphere has acquired the mild and equal temperature which insures them against blights. On the English

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nation, undoubtedly, this charter has contributed to bestow the union of conservation with improvement. To all mankind it set the first example, the progress of a great people in blending their tumultuary democracy and haughty aristocracy with a fluctuating and vaguely limited monarchy, so as at length to form from these discordant materials the only form of free government which experience has shown to be reconcilable with widely extended dominions. Whoever in any future age or unborn nation may admire the felicity of the expedient which converted the power of taxation into the shield of liberty, by which discretionary and secret imprisonment was rendered impracticable, and portions of the people were trained to the exercise of a larger share of judicial power than was ever allotted to them in any other civilised state, and all in such a manner as to secure instead of endangering public tranquillity—whoever exults at the spectacle of enlightened and independent assemblies, under the eye of a well-informed nation, discussing and determining the laws and policy likely to make communities great and happy—whoever is capable of comprehending all the effects of such institutions, with all their possible improvements, upon the mind and genius of a people, is bound to speak with reverential gratitude of the authors of the Great Charter. To have produced it, to have preserved it, to have matured it, constitute the immortal claim of England to the esteem of mankind. Her Bacons and Shakspeares, her Miltons and Newtons, with all the truth which they have revealed, and all the generous virtue which they have inspired, are secondary results when compared with the subjection of men and their rulers to the principles of justice: if, indeed, it be not more true that these mighty spirits could not have been formed except under equal laws, nor roused to full activity without the influence of that spirit which the Great Charter breathed over their forefathers.

It is impossible to glean such facts from our scanty authorities as would justify a distribution of the praise among those who may in various senses be called the authors. Fitzwalter and De Vesci were the most conspicuous among the military chiefs. The primate and earl marshal, who long remained with the King, performing as much as he allowed them a mediatorial part, were probably engaged in the exposition of grievances, and the proposal of remedies, to be afterwards perhaps reduced to legal form by some Glanvilles and Bractons, whose names have not descended to us. Pembroke and Fitzwalter were both junior branches of the ancient house of the counts of Brionne in Normandy. De Vesci had espoused the sister of the king of Scots.

The election of the twenty-five guardians, and the transfer of the regal power to them, may seem a departure from the moderate use of victory made by the barons; but it ought not to be regarded in a constitutional point of view. It was a precaution for public safety, which is to be tried by the extent of the danger. It was like the cession of fortresses to the Huguenots by the Edict of Nantes, or the disposal of the militia required by the parliament from Charles the First; measures without which the party about to disarm itself had no security for the observance of covenants.

John could not contain his rage at the conditions imposed upon him. He betrayed it with every symptom of an effeminate and childish spite. His ally the Pope, however, did not fail to come to his aid. He absolved the King from the oaths which he had taken; alleging, first, the absurd reason, that the King had taken up the cross; secondly, the very offensive one, that the King's concessions were void, as not having been made with the consent of the sovereign Pontiff as lord paramount; and lastly, the specious one, that contracts made on compulsion are null—a doctrine which, however plau-

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sible, necessity has banished from contests between foreign nations, because it would render most treaties of peace illusory ; and which there is therefore at least equal reason to reject in civil wars, because, otherwise, they could never be brought to a close but by the extirpation of one or other of the contending parties. Shortly after, Innocent, finding the barons steady to their purpose, proceeded to excommunicate them. The general language however of the bull afforded an excuse for leaving it unexecuted. Later, he published a second document of the same sort, in which the chief barons were mentioned by name, and declared to be worse than Saracens. But neither did John neglect the more material means of resistance. By his agents an army of mercenaries from the continent was soon collected. Of these several thousand perished at sea ; but a sufficient number reached the shore to place the King once more at the head of an effective force. As the army of the barons could not be kept together, this foreign levy enabled John to lay waste the kingdom with impunity, and with a cruelty scarcely practised even then towards the most hated enemy.

In this emergency the barons in their turn resorted to the equivocal and perilous expedient of calling in foreign aid. They offered the crown to Louis, the eldest son of the French King, who was accordingly acknowledged king of England for a short time. It cannot be denied that parties engaged in just war have a right to seek allies wherever they can find them. On the other hand, foreigners being of all allies the ones most likely to become masters, every measure tending to lessen the repugnance of a nation to foreign rule, impairs its safety and lowers its character ! Extreme necessity, therefore, must be clearly proved before the leaders of a people can be excused in admitting alien interference. Happily, the death of John, which occurred at Newark, stopped the progress of the evil. No prince ever left behind him

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less attachment, or even commiseration. There perhaps never was a man whose memory was regarded with such balanced emotions of detestation and contempt.

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HENRY THE THIRD, the eldest son of John by Isabella of Angoulême, underwent the ceremony of coronation in the tenth year of his age. There are few periods so little fruitful in the men and events interesting to mankind as his long and confused reign. Were it not that it exhibits for the first time the elements of the English constitution in disturbed and disorderly fermentation, it would scarcely deserve the consideration of the philosopher and the politician.

After the coronation of the youthful King at Gloucester, the care of his person and government of the kingdom were intrusted by the barons to William Mareschal, second earl of Pembroke. Henry, indeed, had no colour of hereditary right during the life of his unhappy cousin Eleanor of Brittany, who, for many years afterwards, languished a forgotten captive in her convent at Bristol. His reign, like that of many of his predecessors, was computed from his coronation, which act was still regarded, if not as a species of election, at least as a recognition without which the regal title was imperfect. Hubert de Burgh, constable of Dover Castle, who had always remained attached to John, held out for the son of his master. Those of the baronial party who had been most deeply involved, were averse from coalition with the adherents of the court, considering themselves bound in honour to support Louis, who had answered their call. They for a time resisted the persuasive eloquence of Pembroke, who said, at the coronation, "We have persecuted the father for evil demeanour, and worthily; yet this young child whom ye see before you, as he is in years tender, so he is innocent of his father's doings. Wherefore let us appoint him our king and governor, and the yoke of foreign servitude let us cast

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from us." Only the more moderate of the former opponents of John yielded to such appeals; but they, together with the old royalists, were sufficient to bestow the character of legitimacy on the regent's administration, especially against a foreign pretender.

For several months, however, Louis kept the field, with frequent success. He experienced no considerable defection, till at last so large a body of his adherents went over to the regent, as to indicate a general disposition to consider the choice to be between the rule of a native and that of an alien. Pembroke appears with great difficulty to have subdued the repugnance of his own son to an alliance with the court faction. Fitzwalter and the more zealous authors of the charter adhered to their pledged faith and generous detestation of the tyrant's memory, till the battle in the streets of Lincoln, in which the French and baronial army was vanquished and dispersed. A peace was soon after concluded, in which Louis renounced his claims, and Henry's government promised universal amnesty.

The confusion of parties resulting from this struggle; the variety, not to say contrariety, of their motives, and the facility with which hasty unions were formed, and as soon dissolved again, adds to the obscurity which surrounds the conduct of politicians in this reign, and contributes to throw its subsequent transactions into a disorder, which our defective materials do not enable us to re-arrange.

The wise regent made it one of the first acts of his government to bestow the provisions of the Great Charter upon Ireland, and to transmit copies of it to the sheriffs in England, commanding them to read it publicly at the county courts, and strictly enjoining them to see it enforced in every particular. He died soon, however, and was buried in the church of the Knights Templars, leaving behind such a reputation as that nothing but the scantiness of our information can make us hesitate

to call him one of the most prudent and upright of the statesmen of any age.

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Hubert de Burgh, the Grand Justiciary, his successor, was a man of ability and spirit, but nurtured in the school of Richard and John. He repressed the disorders of the times with a vigorous and, what would seem in a civilised age, a cruel hand. The leaders in these seem to have been a mixed body of barons still jealous of the King, and of adventurers inured to freebooting. De Burgh obtained at an early period, but did not put in force, a bull from the Pope, declaring Henry competent to do all royal acts. The same year a confirmation of the charters was demanded, but refused on an allegation of duress, the more alarming, that the fact could not be denied. Perhaps, however, a writ addressed to the sheriffs commanding them to inquire into the state of the royal franchises at the time of the rupture between John and the barons, was occasioned by this demand.

About this time, one of the main-springs of the English constitution began its movements. The young King was incensed, and his minister dissatisfied, by the loss of Rochelle, the only port which, since the forfeiture of Normandy, had enabled England to keep up any intercourse with Poitou, which Louis had gained without bloodshed. A parliament was holden, which was opened by a speech from De Burgh, in which he set forth the wrongs and indignities which had been done to the King in his continental dominions, and demanded both aid and counsel. A fifteenth imposed on personal estate would, in his estimate, be sufficient to defray the expense of an expedition against France. To this the parliament assented, on condition that the Great Charter should be confirmed. The subsidy was accepted on these terms; and thus the great example was set of combining a grant of supply with a redress of grievances; out of which all reforms of the constitution have grown. In consequence of this constitutional bargain, was that

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instrument forthwith re-issued in parliament, and has ever since auspiciously held its place at the head of English statutes. In four days after, we find the King nominating commissioners for assessing and collecting the subsidy throughout the kingdom.

The immediate objects of the subsidy, however, were not attained. Rochelle remained in the possession of Louis, and the only result of the expedition was the reduction of some Gascon lords, and the occupation of their strongholds by royal garrisons. A disposition to evade and discredit the charters betrayed itself in the King's councils. The barons, therefore, were in an unquiet state, easily excited to measures of rebellion either by suspicious acts of state, or by wrongs alleged to have been done to some of their number. Richard, earl of Cornwall, elected king of the Romans, became the head of a formidable confederacy. The subject appealed naturally to the charter; but it is not easy, from the names of the leaders, to form an opinion whether this confederacy had a political complexion. De Burgh found himself, through his own growing unpopularity, obliged to obtain a declaration in parliament that the King had attained the years of discretion, doubtless with the expectation of converting his ward, in a state of nominal independence, into a sharper but no less manageable tool than before.

Another bull was obtained from the Pope, whose character as lord paramount seems rather to have been employed as an instrument than appealed to as an authority, enjoining the barons to yield obedience to the King, because, said the flattering Pontiff, "his manly virtues supplied the defects of his unripe years."^{*}

The commotions in France on the accession of Louis the Ninth tempted Henry to resume his projects of French conquest; but he gave time to Blanche, the Queen-mother and Regent, to compose these dissensions. He

^{*} Rymer's *Fœdera*, vol. i. p. 190.

did not land in France till late in the war; and when he did, though joined by the duke of Brittany, and other important malcontents, he suffered his army to melt away, while he wasted irrecoverable time in sports and revels. He returned to England soon after covered with disgrace.

One of Henry's vices — his prodigality — was the only part of his character useful to his country. On his return, he demanded and obtained a scutage from Parliament. In the following year the power over the issues of money was still more unequivocally asserted by that assembly, who refused him an aid which he alleged to have been rendered necessary by the poverty to which his French expedition had reduced him; a poverty, it assured him by the mouth of the earl of Chester, that his faithful barons suffered as much as he did.

About this time Henry began to show dissatisfaction with De Burgh, who, after the close of the regency, had remained first minister, with the office of justiciary for life, and to whose negligence or treachery he insinuated that the delay and defeat of his French campaign was owing. What the demerits of De Burgh were, it is hard to conjecture; but in most cases of long administration a minister gains a power over a sovereign, of which the latter becomes weary long before his inconstancy is generally suspected, and at which he is the more indignant as conscious that he wants courage to throw off the yoke. It is then that feeble princes are willing to accept the dreaded help of the people, availing themselves of a violent movement of a multitude odious to them, in order to get rid of a master. De Burgh was charged with having secretly dissuaded the duke of Austria from giving his daughter to Henry; with having debauched a princess of Scotland, intrusted to his care till her nuptials with the King should have been solemnised; with having poisoned the earls of Salisbury and Pem-

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broke; and with having put to death Constantine, a freeman of London, without the form of trial. Dismayed at these accusations, he took refuge in the monastery of Merton; and the King, as is usual in such cases, stimulated his mind to indignation against his disgraced favourite, in order to blind himself to his own injustice and inconstancy. He commanded the mayor of London to bring the justiciary from the asylum, dead or alive. The mayor was proceeding to execute this order at the head of twenty thousand citizens, when the King, reminded of the danger of employing a mob on such an occasion, was persuaded to recall his commands. De Burgh, however, was made prisoner on a journey to visit the Scottish princess already referred to, who had become his wife: he was restored to sanctuary at the instance of the Church, and again surrendered himself a prisoner. After the King had again begun to speak of his minister's long and faithful services, the latter was at length suffered to retire, with the loss of office, but with great honours and estates. These, notwithstanding vexation from the fickleness of the King and the malice of his successor, he continued to enjoy for ten years, when he died at an advanced age.

Peter, bishop of Winchester, a more daring minister than De Burgh, had a still briefer period of favour. He had excited the prejudices of the people and the jealousy of the nobility by loading with invidious preferment numbers of his countrymen from Poitou. Two parliaments were summoned, to both of which the barons refused to repair, alleging the danger of being intercepted by the bands of foreigners. Richard, earl marshal, the third of that powerful family, and the most esteemed man of his age, seems to have been leader of the opposition to the bishop's government. Having suffered spoliation, in contravention of the charter, he avowed his resistance to the King. He took refuge, when worsted in the field, in Ireland, where the Lords

Justices received instructions to send him "dead or alive" to England. The compliant Justices quickly caught the import of this alternative: and, after a long series of acts of falsehood and perfidy, caused him to be cruelly murdered by a treacherous surgeon, who, being called in to heal some of his old wounds, burnt or cauterised them so fiercely as to throw him into a raging fever, of which he died in great agony. An historian* almost contemporary calls him "the flower of modern chivalry." These and the like excesses proved fatal to the bishop's administration. By the advice of the archbishop, Henry remanded the prelate to his diocese, and the Poitevins to their country.

Henry's marriage with Eleanor of Provence, which had taken place some years before, had brought to England new herds of foreigners of the higher rank, and of more specious pretensions, but not less offensive to the nobility and the people. One of the queen's uncles became prime minister, another primate: on a third the earldom of Richmond was conferred. The motives of opposition among the barons were personal and vulgar. But on that wild stock was grafted the jealousy of favourites, the impatience of irresponsible advisers, and the repugnance to high preferment flowing from the mere goodwill of the King, which afterwards bore such excellent fruit. The summary banishment of obnoxious men from the King's presence and councils had been required and granted in the Great Charter itself. Henry's promise to remove his foreign counsellors, though always violated, yet proved throughout his reign his best expedient for obtaining supplies; so early did the influence of parliamentary advice on the appointment and dismissal of ministers begin to manifest itself in the English constitution.

Henry was again tempted into a fruitless invasion of France, which would have been attended with the loss

* Matthew Paris.

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of all his continental dominions, if the throne of that country had not been then filled by St. Louis, who, to the highest capacity for government and prowess in arms, added a scrupulous regard to the dictates of conscience, not commonly found either in princes or subjects. He returned this time, as he had done previously, loaded with debt and disgrace.

The King had been obliged, not long before, to lay his wants before a parliament, who, after having refused their consent to the grants of separate aids from the clergy and laity, declaring that no supply could be granted but by the whole body of the kingdom, proposed that the amount when raised should be placed in one of the King's castles under the care of four barons, whom the parliament were to nominate, and who were to see that it was expended for the good of the King and the kingdom. It was not wonderful, therefore, that a new parliament should listen unwillingly to his representations. Two hideages from the cultivators of land, and one sentage from the military tenants, had already been granted to him. A fifteenth, a fortieth, and a thirtieth of all personal estate had also at different times been levied for his service. He canvassed for presents on specious pretexts, so as to be accounted the most sturdy beggar in the kingdom. His exactions, in defiance of the charters confirmed by himself, were excessive and shameless. The Jews were his constant resource. By occasional massacres, by accusations of incredible crimes, and by a sufficient number of judicial murders to give public countenance to the calumnies against them, that people, the most industrious and wealthy portion of the inhabitants, were always at the King's mercy.

These grants to a feudal king, whose demesnes were deemed to yield an income adequate for all ordinary purposes, alarmed the inexperienced barons. Abroad, such liberality to the crown had purchased nought but national dishonour. At home, every grant was fol-

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lowed by new breaches of the charter, though it was by promises to observe it that the grants had been obtained. The parliament, therefore, required that four of the nobility should be declared conservators of the liberties of the nation, two to attend the King, to watch over the administration of justice, and to regulate the public expenditure; that they were to be appointed and removed only by common consent; that the justiciary and chancellor were to be elected in parliament; and that two justices of the bench and two barons of the exchequer were to be chosen in like manner, also holding their offices independent of the crown. Dictatorial measures very foreign to the general laws of a commonwealth may be justified by the necessity of guarding immature privileges under an infant constitution, against the unceasing assaults of unwearied and inexorable foes. The above, and other measures of the like kind, adopted in the sequel of this reign, may rather be considered as attempts to ascertain by experiment the best mode of establishing parliamentary control over the application of supplies and the appointment of royal advisers, than as arrangements intended to take a permanent place in the constitution.

Among the foreign nobility who settled in England during the reign of Henry, the most conspicuous was Simon de Montfort, whose father had been unhappily distinguished as the leader of the war of extermination which, under the name of a crusade, the court of Rome had excited against those dissenters from her faith who were called Albigenses. Simon, soon after his arrival, received in marriage the hand of the King's sister, the countess-dowager of Pembroke. When the commotions of the kingdom began to assume a more decidedly political colour, the name of this nobleman came to be more frequently mentioned. A coarse altercation between the King and him is recorded, in which the earl gave the lie to his sovereign, without even proving by that outrage,

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IV. courage of which, on all other occasions, he gave ample
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Further to secure the charter, a parliament was held
May 3. in Westminster Hall, when the bishops, assembled with
the peers and in the presence of the King, with the most
terrific solemnities excommunicated, anathematized, and
expelled from the bosom of the Catholic Church all
transgressors of the ancient liberties of the realm, es-
pecially of those which are contained in the Great
Charter, together with all their aiders and abettors.
While the sentence was reading, the King held his hand
on his heart with a calm and cheerful countenance; and
when the prelates had, according to usage, thrown away
their extinct and smoking tapers, saying, "So let all be
extinguished and sink into the pit of hell who incur this
sentence," he answered, "So help me God, as I shall ob-
serve and keep all these things; as I am a Christian
man; as I am a knight; as I am a king crowned and
anointed."*

In the mean time unwonted success attended the
King's arms in Gascony. He recovered those parts of
the province which had fallen into the hands of the
Spaniards; and peace was cemented by the marriage of
his son Prince Edward with the Princess Eleanor of
Castile. Either intoxicated, however, by this gleam of
prosperity, or yielding to the usual levity of his nature,
he resumed the same arbitrary practices as before. He
trusted to an absolution, on the accustomed ground of
compulsion, from the Pope, his ally, against the English
clergy, who had now made common cause with their own
country. A new parliament accordingly, held at Oxford,
June 11, represented to the King that all confirmations of the
1258. Great Charter, however strengthened by the duties of
good faith, and by the most terrible denunciations of
religion, having been defeated by evil advisers, it was

* Matthew Paris. p. 746.

now apparent that no security could be sufficient which did not vest the administration of the realm in the hands of men in whom the people and their leaders could put their trust. Twenty-four barons were accordingly chosen, twelve by the King's Council, and twelve by the parliament, who were empowered to redress grievances, and generally to reform the state, subject, however, to a parliament to be assembled thrice in the year, and who were to be informed of breaches of law and justice throughout the country by four knights to be elected for that purpose by each county. These provisions modern writers have represented as a revolution. They are, however, adopted from the Great Charter itself: they were only securities exacted from a faithless enemy when vanquished; and as far as they introduce novelty into the constitution, they consist in a nearer approach to that popular representation which afterwards became so marked a feature of it.

The administration of the twenty-four guardians continued for several years. Henry made a rash and vain attempt to escape from their authority; but discouraged by the integrity of Prince Edward (who declared that though he had reluctantly sworn to observe the provisions of Oxford, yet having sworn, he should abide by his oath), the King was obliged, next year, to submit to a peace, by which he agreed to banish foreigners, to observe the statute of Oxford, and to put the administration of affairs, together with the possession of his castles, into the hands of the barons. After several more similar attempts he agreed that the authority of the chosen barons should continue during the reign of his successor. This stipulation, however, removed the scruples of Edward, who by his accession to their party added so much vigour to the royalists, that it was agreed on both sides to refer their differences to Louis the Ninth of France. The award, however, of that excellent monarch was more conformable to the formalities of law, and to the scruples of

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a timorous conscience, than to the substantial and enlarged equity which alone ought to be applied to such extraordinary occasions. He enjoined the restoration of all castles, possessions, and royal rights enjoyed by the crown before the parliament of Oxford, on condition of the grant of an universal amnesty, and of the full confirmation of all the privileges and liberties already granted. It is obvious that this award was at best only a redress of grievances, without security against their return.

The year 1265 was one of the most memorable in the annals of England. The barons, indignant at an award which imposed obedience without affording security, again turned their arms against the recreant King. Two of the unhappy victories of civil war were achieved by the vigorous genius of Prince Edward; while, on the other hand, Simon de Montfort, at the very moment of his fall, effected an extensive reformation in the constitution of parliament; which, though his authority was not acknowledged by adherents to the letter and forms of law, was afterwards legally adopted by Edward, and rendered the parliament of that year the model of its successors. It may indeed be considered as the practical discovery of popular representation. The particulars of the war are faintly discerned at this distance of time. But the reformation in question, as first affording proof from experience that liberty, order, greatness, power, and wealth are capable of being blended together in a degree of harmony which the wisest men had not before believed to be possible, will be held in everlasting remembrance.

The genius and activity of Prince Edward began now to give a new complexion to his father's fortunes. Several of the barons, among whom was the nephew of the King, deserted to the royal standard; which was further reinforced by a body of Scottish auxiliaries, under leaders who were in no long time to perform a still more

conspicuous part,—John Comyn, John Baliol, lord of Galloway, and Robert Bruce, lord of Annandale.* The King, being compelled to leave his disaffected capital, fell back with his army on the town and castle of Lewes, where the barons presented a remonstrance, accompanied by vain professions of loyalty. To this the King returned a haughty answer, requiring instant submission. A battle was fought. Prince Edward fell on the Londoners, whom, when they gave way, he pursued with eagerness, to punish their general turbulence, as well as late insults to his mother. Leicester saw the error; and, making no account of the unwarlike citizens, contented himself with cutting off Edward's junction with the rest of the royal army, which he now attacked with such vigour as totally to rout them. The King threw himself into the castle, where his gallant son found means to join him. They were both made prisoners, and compelled to confer the administration of the kingdom on the earls of Leicester and Gloucester. Prince Edward however escaped, and put himself at the head of the royalists; Leicester, on his part, called in the aid of Llewellyn, prince of Wales. In the mean time, by one of those accessions of jealousy which are incident to civil war, the earl of Gloucester was becoming impatient of the ascendant of his imperious colleague, who in effect governed the realm.

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The great military event of the war was a fierce and cruel battle fought at Evesham between Prince Edward

* The chief barons who rose against Henry in 1263, were his nephew Henry, the son of the king of the Romans, Henry Montford, Hugh Spenser, Baldwin Wake, Gilbert Gifford, Richard Gray, John de Ros, William Marnion, Henry Hastings, Hamon l'Estrange, John Fitzjohn, Godfrey Lucy, Nicholas Segrave, Roger de Leeburn, John de Vesci, Roger de Clifford, John de Vaunce, Gilbert de Clare, Gilbert

de Lacy, and Robert Vipont, who raised Simon de Montfort, earl of Leicester, to the chief command, in which he was to be aided by the earls of Gloucester, Derby, and Warren. The great houses of Bigod and Bohun, all the foreigners, and the Piercies, with their warlike borderers, with several other powerful families, made a formidable minority on the side of the King.

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and the earl of Leicester. The King, who was still a prisoner in the hands of the latter, is said to have been brought into the field. The Welsh auxiliaries in Leicester's army are charged (but by English writers) with breaking their lines by a disorderly flight on the first onset. In attempting to rouse the valour of his troops, whom this example had damped, by rushing into the midst of the enemy, Leicester was surrounded and slain. Deprived of their leader, his army was totally defeated with great slaughter. His body was, after being mangled and mutilated in a manner to which the decency of a civilised age forbids a more distinct allusion, laid before the lady of Roger, lord Mortimer, as a sight grateful to her humanity and delicacy. "His hands and feet were cut from the body, and sent to several places."

De Montfort's memory was long revered by the people as one who had died a martyr to their liberties. During the vigorous reign which ensued, popular feeling was overawed; but the generation after, when that feeling could be more freely uttered, he was called "Sir Simon the Righteous."* Miracles were ascribed to him, and the people murmured at canonisation being withheld from their martyr. He died unconscious of the imperishable name which he acquired by an act which he probably considered as of very small importance, the summoning of a parliament, namely, the lower house of which was composed, as it has ever since been, of knights of the shire, and members for cities and boroughs. He thus unknowingly determined that England was to be a free country. He was the blind instrument of disclosing to the world that great institution of representation, which was to introduce into popular governments a regularity and order far more perfect than had ever been purchased by submission to absolute power, drawing forth liberty from confinement in single localities to a fitness for being spread over the most extensive territories. The

* Fabian.

origin of so happy an innovation is one of the most interesting objects of inquiry that can be proposed. We have scarcely, however, any positive information on the subject; our ancient historians, though not wanting in diligently recording the number and the acts of our national assemblies, describing their composition in a manner too general to be instructive, and taking little note of novelty or peculiarity in the constitution of the particular one convoked by the earl of Leicester.

Montfort's assembly met at London, according to writs still extant, and the earliest of their kind known to us, directing "the sheriffs to elect and return two knights for each county; two citizens for each city; and two burgesses for each borough in the county." If this assembly is the same as that which was invested with the power of granting supplies by the Great Charter, the constitution must have undergone an extensive, though unrecorded, revolution in the somewhat inadequate space of only fifty years, which had elapsed since the capitulation of Runnymede; for, in the Great Charter we find the tenants of the crown in chief alone expressly mentioned as forming with the prelates and peers the common council for purposes of taxation; and even these seem to have been required to give their personal attendance, the important circumstances of election and representation not being mentioned. Neither does it contain any stipulation of sufficient distinctness applicable to cities and boroughs, for which it provides no more than the maintenance of their ancient liberties.

Conjecture is all that can now be expected respecting the rise and progress of these changes. It is, indeed, beyond all doubt, that by the constitution, even as subsisting under the early Normans, the Great Council shared the legislative power with the king, as clearly as the parliament has since done. But these great councils do not seem to have contained members of popular choice; and the king who was supported by the revenue

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of his demesnes, and by dues from his military tenants, does not appear at first to have imposed, by legislative authority, general taxes. Many of the feudal perquisites however had been arbitrarily augmented and oppressively levied. These the Great Charter, in some cases, reduced to a fixed sum; while it limited the period of military service itself. With respect to scutages and aids, which were not capable of being reduced to a fixed rate, the security adopted was, that they should never be exacted unless they were assented to at least by the majority of those who were to pay them. Now these were not the people at large, but the military tenants of the crown: who are accordingly the only persons entitled to be present at the great council to be holden for the purposes of taxation. Very early, however, tallages had been exacted by the crown from those who were not military tenants; and this imposition daily grew in importance with the relaxation of the feudal tenures, and the increasing opulence of towns. The attempt of the barons to include tallage, and even the vague mention of the privileges of boroughs, are decisive symptoms of this silent revolution. But the feudal character of the charter and the main objects of its framers prevailed over that premature but honest effort of the barons.

The following general observations may, perhaps, throw some light on the transition by which the national assembly passed from an aristocratical legislature, representing, perhaps not inadequately, the opinions of all who could have exercised political rights if they had possessed them; through the stage of a great council, of which the popular portion consisted of all tenants in chief who had the power and the desire to attend such meetings; and at last terminated in a parliament, of which members chosen by the lesser nobility, by the landholders, and by the industrious inhabitants of towns, were a component part. With respect to the elections for counties, the necessary steps were few and simple.

The appointment of certain knights to examine and redress grievances in their respective counties, was likely to be the first advance. The instances of such nomination in the thirteenth century* were probably, in some measure, copied from more ancient precedents, overlooked by the monkish historians. It is scarcely to be doubted that, before the Great Charter, the King had employed commissioners to persuade the gentry of the provinces to pay scutages and aids, which though their general legality was unquestionable, were sure to be often in arrear. These functionaries were, doubtless, armed with power to compromise and to facilitate payment by an equitable distribution of the burden among the military tenants. It is a short step from this state of things to direct the inferior military tenants to send deputies to the capital, empowered to treat with the crown respecting these contributions on general and uniform principles. The distinction made by the charter between the greater barons, who were personally summoned, and the lesser barons, who were only warned to attend by general proclamation, pointed out very obviously the application to the latter of the principle of representation, by which alone they could retain any influence over the public councils.

The other great change—namely, the admission of all who held land from any lord mesne or paramount, not by a base tenure, to vote in the election of knights of the shire—has been generally regarded as inexplicable. Considerable light however has lately been thrown upon it by one of the most acute and learned of our constitutional antiquaries.† It is universally agreed, and, indeed, demonstrated by the earliest writs, that the suitors at the county court became afterwards the voters at county elections. It is now proved that

* Hallam, *History of the Mid. Ages*, vol. ii. p. 215.

† Mr. Allen, master of Dulwich College. *Ed. Rev.*, vol. xxvi. p. 341.

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 IV. service at county courts, certainly in the reigns of
 1265. Henry the Third and of Edward the First; and
 probably in times so ancient, that we can see no light
 beyond them. As soon, therefore, as the suitors ac-
 quired votes, the whole body of the freeholders became
 the constituents in counties.

Some part of the same process may be traced in the
 share of representation conferred on towns. In all the
 countries which had been provinces of the Roman
 empire, these communities retained some vestiges of
 those elective forms, and of that local administration
 which had been bestowed on them by the civilising
 policy of their conquerors, and which, though too
 humble to excite the jealousy, or even to attract the
 observation, of the petty tyrants in whose territory they
 were situated, yet undoubtedly contributed to fit them
 for more valuable privileges in better times. The
 splendid victory of the Lombard republics over the
 empire, and the greatness of the maritime states of
 Venice and Genoa, Pisa and Florence, had rendered
 Italy the chief seat of European civilisation. In Ger-
 many, some towns on the Rhine, and on the northern
 shore, slowly acquired a republican constitution, imper-
 fectly dependent on the imperial authority. In Switz-
 erland, towns became substantially independent, like
 those of Italy; and, as in the ancient world, reduced
 the surrounding territories under their rule. In these
 towns, the government was either retained by the
 people, or by degrees confined to an oligarchy; ex-
 hibiting, like the cities of Greece, many shades between
 the extremes, and most of the combinations of which
 such elements are capable. In France, in the Spanish
 peninsula, and in the British islands, the deputies
 became component members of the legislative assem-
 1169. blies. Those of Spain were present at the cortes forty-
 six years before the Great Charter, the earliest infusion

of the representative principle into a European legislature. This has been ascribed to the necessity of bribing men by political privileges to garrison as well as inhabit towns exposed to the perpetual attacks of the Moors, from whom they had been recently conquered. In France, the exemption of towns from the jurisdiction of the tyrannical lords of their neighbourhood, which has been falsely attributed to the policy of "Louis le Gros," desirous of raising up rivals to the imperious barons, in truth extended at the same time to a territory twice or thrice as extensive as his principality between the Somme and the Loire, and appears to have been extorted from him, as well as from other lords, by a simultaneous movement originating in the inhabitants of some cities in Flanders and northern France.

In England, charters were early granted exempting towns from baronial tyranny, and sanctioning the usages and bye-laws which regulated their internal government. Those boroughs, which were part of the ancient demesne of the crown, were subject to the payment of feudal incidents. Tallage was exacted from them all; an impost founded on a conjectural and uncertain estimate of the fortunes of individuals. The nature of this arbitrary imposition made it difficult to settle the amount, or to procure payment of it without intercourse between the king's agents and the burgesses, or their authorised proxies. These negotiations were generally committed to the judges of assize; but special commissioners often supplied their place. Nothing was more natural than to simplify these dealings by convoking a general meeting of delegates from boroughs in London. When the consent of parliament was subsequently made necessary to the levies, the burgesses became integral parts of the legislature. The union, so pregnant with momentous and beneficial consequences, of the deputies of the minor nobility in the same house with those of the industrious classes,

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was not systematically adopted till a somewhat later period; but the tendency of two bodies of elective members, whose sanction was the same, to form a united body, is too apparent to require more than the shortest allusion.

After the battle of Evesham and the death of Montfort, the Baronial party appeared to be extinct. The parliament assembled by the Royalists was the pliant instrument of their rapacity and revenge. The followers of Leicester were proscribed, and their lands distributed among the victors. The King distinguished himself by nothing but the unmanly insolence of a feeble mind intoxicated by undeserved success. His sagacious and intrepid son, however, reduced the baronial castles, dispersing assemblages of the malcontent party. The earl of Gloucester, who, after the death of his great rival, once more took up arms for the commons, was compelled to make his peace. Edward entered as a conqueror the Isle of Ely, which again, after an interval of two centuries, seemed to be the last stronghold of English liberty. Gradually the swell left behind by such tempests subsided, and, in no long time, quiet and security appeared to be so generally established, that the prince could take up the cross. Accordingly, two years after, he began his expedition, visiting his illustrious ally St. Louis at Tunis, where that monarch, who, if his judgment had been as sound as his conscience was pure, would have been justly accounted the most excellent of men, died of the plague. The campaign of Edward in the Holy Land, adorned by romantic adventures, and distinguished by feats of arms, could not, however, stay the downfall of Acre, the last remains of Christian conquest in Palestine, which was, twenty years after, to fall under the power of the Mameluke sultans of Egypt.

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The remaining years of Henry's reign were of little historical importance. He died after a nominal reign of

fifty-six years: a memorable period, which owes no part of its interest to the monarch from whose sway it derives its name. Though Simon de Montfort had been slain, his lifeless remains outraged, his acts branded as those of a usurper, and his name held in abhorrence by the powerful, and distinguished only by the blessings of the poor, and the praise of the learned, yet, in spite of authority and prejudice, his bold and fortunate innovation survived.

When the barons took up arms against John, they had only exercised the indisputable right of resistance to oppression. They had given a wholesome warning to sovereigns, and breathed into the hearts of nations a new and higher consciousness. But they knew not how to improve their victory: they took no securities, and made no provision for the time to come. Both parties might have alternately prevailed, with no other fruit than alternate tyranny. In the second stage of the contest, however, the national leaders obtained, in the Great Charter, a solemn recognition of the rights of mankind; and provisions which, by reserving to a national assembly the power over taxation, laid the foundation of a permanent and effective control over the crown. Still, the means of redressing grievances chiefly lay in an appeal to arms; a coarse and perilous expedient, which, however justifiable by extreme necessity, is always of uncertain issue, and of which the frequent repetition is incompatible with the peace and order of society. Such were the plans of government in the Great Charter, the provisions of Oxford, and the pact at Lewes.

The third epoch was distinguished by the establishment of a permanent assembly, capable, on ordinary occasions, of checking the prerogative by quiet and constant action; yet strong enough to oppose it more decisively, if no other means of preventing tyranny should be left. Hence the extreme importance of the

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new constitution given to parliament by Simon de Montfort. Hence, also, the necessity under which the succeeding King, with all his policy and energy, found himself of adopting the precedent. It would have been vain to have legally strengthened parliament unless it had been actually strengthened by widening its foundations, by rendering it a bond of union between orders of men jealous of each other, and by multiplying its points of contact with the people, the sole allies from whom real succour could be hoped. The introduction of knights, citizens, and burgesses into the legislature, by its continuance in circumstances so apparently inauspicious, shows how exactly it suited the necessities and demands of society at that moment. No sooner had events produced the measure, than its fitness to the state of the community became apparent. Thus it often happens that in the clamour of men for a succession of objects, society, by a sort of elective attraction, selects from among these that which has an affinity to itself, and easily combines with it in its state at the time. The enlargement of the basis of the legislature thus stood the test which discriminates visionary projects from necessary and prudent reformation. It would be nowise inconsistent with this view of the subject, to suppose that De Montfort, by this novelty, was paying court to the lower orders to gain allies against the nobility; the surmise of one ancient chronicler*, eagerly adopted by several modern historians. That he might entertain such a project as a temporary expedient, is by no means improbable. To ascribe to him a more extensive foresight, would be unreasonable even in times better than his. If the supposition is correct, it only proves more clearly that his ambition was guided by sagacity; that he saw the class of society which was growing in strength, and with which a provident government ought to seek alliance; and that, amidst the noise and confusion of

* Thomas Wykes.

popular complaint, he had learned the art of deciphering its often wayward language, and of discriminating the clamour of a moment from demands rooted in the nature and circumstances of society.

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The previous renown of EDWARD THE FIRST secured his peaceable succession during his absence in the Holy Land, as perfectly as if he had been in London and had immediately stepped upon the throne. Conscious of security, he returned slowly, not neglecting his continental territories, and indulging himself in those martial amusements to which a great captain in the prime of manhood was by habit as well as by nature prone. His reign was calculated, not from the day of his father's demise, but from that on which he was himself publicly recognised; according to usage still manifesting a show of respect for the consent of the people.

Leaving out of sight Edward's continental disputes, his active and splendid reign may be considered as an attempt to subject the whole island of Great Britain to his sway. Feudal superiority was the instrument which he employed against Wales with success, and against Scotland with the appearance of having discomfited every adversary.

It has been already observed, that in the first ages after the Saxon invasion, at least six principalities, peopled by the Cambro-British race, occupied the west coast of Britain from the Clyde to the Land's End. At the end of the eleventh century this race was known by the name of Wallenses, or Welshmen; names similar to those applied on the continent by the Teutonic tribes to denote the Gaulish race in their neighbourhood, called by them Walloons in Flanders, and Welsh in Switzerland and Italy. Their history has not yet been extricated from fable; nor has any Welshman yet arisen who has made such an attempt to recover the perhaps still remaining materials for such a composition as will warrant

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us in asserting that they have altogether perished. Early conquest damped the national feeling, which would otherwise have fondly clung to the slenderest fragment of such memorials, from the pursuit and preservation of which at the favourable time they were diverted by their reliance on the legends of Geoffrey of Monmouth. Their subjection was not, like that of Ireland, imperfect; and their very inferior numbers, as well as local situation, prevented that indignation from growing up among them which ages of oppression kept alive in the bosoms of the latter nation. Although there is no evidence of their subjugation by invaders, yet neither do we before the ninth century find authentic accounts of their appearance in the territory of their enemies, under chiefs of name and in a regular array.

As early as the year 876, Wales had been divided into three divisions, North Wales, South Wales, and the intermediate district called "Powis;" of which the rulers were held together by some loose ties of confederacy, and by an arrangement which made each of them the arbitrators of disputes between the others. The jealousies between Wessex and Mercia, and the long contest between the Danes and Saxons, had exposed Wales to frequent inroad and ravage, but had guarded it from absolute conquest.

At the end of the tenth century, Howel Dha appears as a lawgiver; a character under which most nations are pleased to personify the reason of ages, and the feelings out of which their national usages have sprung. The slight difference between the Saxon and the British Christians, respecting the observance of Easter, was sufficient to foster an animosity conducive to the independence of the weaker party. The monasteries from Bangor to St. David's seem, from the examples of Pelagius and Asser, not to have been wanting in the learning of the times. Neighbourhood and intermixture of blood mixed the atrocities of civil discord with their

warfare; thus engendering a new abhorrence of each other.

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In 933, Athelstan compelled the Welsh principalities to become his tributaries. Upon this treaty, which may have been broken by the conqueror, or cancelled by subsequent events, and of which we know nothing but the fact of its existence, the Normans built their claim of paramount lordship over the whole island. Powis had been early separated from the principality by the Mercians: its princes gradually sank into English barons, and took an unnatural part in the Norman conquest of their former country.

The beautiful vallies of South Wales soon attracted the rapacity of Norman adventurers. In the year 1091, Fitzhamond, a relation of the duke of Normandy, being called in by a native chief to aid him in a quarrel, reduced Glamorgan, sharing it among his followers. Soon a number of Flemings, compelled to seek refuge abroad by one of those inundations against which the utmost knowledge and skill cannot ensure a country rescued from the sea, implored Henry the First to assign them some place of settlement. He planted them in Dyrfed, since called Pembrokeshire, where their posterity, mixing easily with the Anglo-Normans, are still distinguished by language from their Cambrian neighbours, whom they long treated as natural enemies, agreeably to the policy which occasioned the plantation. South Wales then became a constant scene of carnage. "For the least offence, nay, for suspicion, murder was openly committed."* In so many petty states owning only a nominal homage to the distant king in London, the chiefs without scruple blinded or murdered all whom they feared, and thought it no more dishonourable to

* Powell, History of Wales, p. 155, a translation from the Welsh Chronicle of Caradoc of Llanarvon, who flourished about A.D. 1157; a work which is similar in its origin and materials to the Saxon Chronicle and the Irish Annals, but which has not hitherto had the like good fortune in industrious and critical editors.

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destroy their enemies by assassination than to encounter them in battle.

Castellated ruins still mark the strongholds of the Anglo-Normans, and the line by which the invaders marched to embark in the expeditions against Ireland. The Normans, however they might pretend to more advanced civilisation, did not yield in faithless and merciless deeds to the unhappy Britons. In the midst of their distractions the latter had driven back Henry the Second, and obliged him to make peace. Rhys, prince of South Wales, in spite of the dismemberment of his principality, refused to consent to the treaty, and took refuge from slavery in the wilderness of the Tivy. Henry was once more obliged to make a dishonourable retreat before them; and he is charged by the Welsh writers with the inhuman revenge of "plucking out the eyes of the hostages, the sons of the princes of North and South Wales." North Wales, called by the English "Aberfraw," or "Snowdon," which had always exercised some supremacy over the other Cambrian states, was still untouched by the English arms. But its princes unfortunately interfered in the Baronial wars; becoming members of English factions, whose adverse as well as prosperous fortune it seemed meet that they should share; and apparently acquiescing in their own vassalage, by exchanging their independence for the rank of Anglo-Norman lords. Though nothing effectual had been done for their subjugation during the confusion of the reigns of John and Henry, their estrangement from their native country during that period had silently sapped the foundations of their authority.

With the reign of Edward the preparations for an attack on Llewellyn began. The King's claims as liege lord stood him in good stead. This feudal superiority often appeared no more than an alliance equally eligible for both parties. It might, at other times, be represented as only a mere solemnity. Yet, when once

recognised, it was capable of being so stretched in favourable circumstances, as to become a pretext for the vexation of perpetual interference. The lord paramount might excite the discontents of the subordinate tenants against their immediate lords. Whenever the vassal of the crown proved too powerful, it was seldom difficult for the lord paramount to find a decent pretext for acquiescence till a favourable opportunity of aggression should arise. He had the great advantage of acting under those forms of law, and with that tone of legitimate authority, which often shelters the most cruel wrongs. The confiscation of the Plantagenet territory in France, though not so unequivocal an act of injustice as many others of the same kind, was a striking instance of the account to which this jurisdiction might be turned.

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Immediately after the recognition of Edward, a summons had been issued to Llewellyn to do homage as one of his great vassals. The duties of vassalage were indisputable, and they had been uniformly acknowledged by Llewellyn. The advantage of form and the plausibilities of legal reasoning were on the side of Edward; but much of the substantial justice of the case is kept out of view by the specious language of the state papers of his ministers.* Llewellyn urged that he could not with safety repair to the court of a monarch who had violated the terms of a solemn treaty, recently concluded by the mediation of the Pope, and who received disaffected and rebellious Welshmen with favour and distinction. He demanded hostages by way of security; appealing to the Pontiff, and even to the English primate, for the reasonableness of such a request. In the course of the negotiations Edward gave Llewellyn a proof of very ungenerous enmity. The Welsh prince was desirous of solemnising his nuptials with Elinor de Montfort, to whom he had been a

* Rymer, vol. ii. pp. 504. 550.

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considerable time affianced. As soon as Edward heard of the voyage of this lady from France, he despatched vessels in pursuit of her, who brought her prisoner to England, where she was detained for more than two years, in a period of peace, without any colour of justice, or even pretext of law. The English parliament pronounced the doom of forfeiture against Llewellyn. Sentence of excommunication issued against him.

The first campaign against Wales either languished, or was divided between petty attacks and extensive preparations. But soon Edward summoned all his vassals to take the field. He opened roads into the inmost fastnesses of Snowdon. He repaired or rebuilt the castles of Rhyddlan and Flint, manifesting at every step the wariness of a statesman and a commander preparing for the subjugation of a gallant people. Surrounded by such formidable enemies, and touched by the hope of delivering his beloved Elinor, the prince of North Wales acquiesced in the conditions of peace imposed by the conqueror. The whole principality was, in effect, ceded, except Anglesea, the ancient refuge of their princes and their bards, which was also, however, to revert to the liege lord in case of failure of issue male of Llewellyn. Even this remnant of dominion was ransomed by a stipulation to pay the enormous sum of fifty thousand pounds—a sum which, if it was afterwards remitted, was probably not exacted only because it could not be paid. The natural consequences of all treaties of submission soon manifested themselves. Llewellyn reproached himself for the sacrifice of his country, reading no less reproof in the countenance of every faithful subject. Meanwhile, David, his brother, was indignant at a treaty more injurious to himself and his family than to a childless prince, and recoiled probably from the too complete success of his own treason. The prophecies of ancient poets easily assumed the meaning most suitable to the

excited feelings of a brave and superstitious nation. Llewellyn's grievances, if founded in fact, certainly absolved him from the observance of the slavish compact. "The brave people of Snowdon declared, that though the prince should give the king possession of it, they would never submit to strangers." "The prince," said the Welsh chiefs, "cannot in honesty resign his paternal inheritance, and accept other lands among the English, of whose customs and language he is ignorant."* Edward's army penetrated into Anglesea by a bridge of boats over the Menai, now crossed by one of the greatest works of useful and magnificent art. But David, at the head of his generous mountaineers, carried on a vigorous warfare against them; and Llewellyn himself defeated the English invaders, killing or drowning the greater part of them in their retreat to the main land. In another action the Lords Audley and Clifford were slain, and the King was reduced to the necessity of seeking safety in one of his own castles. In the meantime, Llewellyn, pressed by Roger Mortimer, one of the King's lieutenants, went with a few attendants to a place near Builth, where he appears to have appointed the chiefs of the neighbourhood to meet him. Either lukewarm and fearful, or, as the Welsh annalist intimates, deliberately perfidious, the degenerate princes deserted their gallant leader. Mortimer with a large force fell on him. Thus taken by surprise, and perhaps betrayed, Llewellyn fell, the victim seemingly rather of assassination than of war. One Adam Frankton ran him through the body unawares. As soon as his rank was discovered, his head was cut off and sent to Edward, then at Shrewsbury; by whose command it was placed on the Tower of London, encircled with a crown of willows, in base mockery of those ancient songs which were fondly believed by the Welsh to prefigure their deliverer, as adorned by this symbol of

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* Powell, p. 295.

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IV. of the most ancient ruling families of Europe.

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The year following, Prince David was also made prisoner, tried before an English parliament at Shrewsbury, convicted by them of high treason for the defence of his country, and, after being drawn asunder by horses, was beheaded and cut into four parts; the head exposed beside that of his brother, and the members distributed over four of the chief towns in the kingdom; probably the earliest instance of that horrible punishment afterwards appointed for treason, of which it required all the power of reason, eloquence, and character, united in the person of Sir Samuel Romilly, five hundred years afterwards, to procure the abolition; as if to warn mankind how easily the most execrable example may be introduced, and with what difficulty a country is purified from it.

The mind is often perplexed in estimating the comparative merits of both parties in such contests as that between Edward and Llewellyn; but the only principle by which a just judgment can be formed, is that of invariable regard to the respective intentions of the contending parties. Edward's object was aggrandisement; whatever occasional breaches of treaty or violations of humanity the Welsh may have committed, their deliberate aim never could have reached beyond the defence of their country. The conqueror's ambition tainted all his acts, and renders his conformity to the letter of the law a fraudulent evasion of the rules of justice: their cause was in itself sacred, and entitles them to some excuse for having maintained it by those means which the barbarity of that age deemed lawful.

The massacre of the bards is an act of cruelty imputed to Edward without evidence, and inconsistent with a temper which fitted him for what stern policy required, but was not a wantonly cruel one. It is, however, one of those traditions of which the long prevalence attests

the deep-rooted hatred of the conquered towards their conquerors. On the death of Llewellyn, one of the most ancient branches of the Celtic race lost their national character. For two centuries thenceforward Wales suffered all the evils of anarchy and misrule. The marches were governed by arbitrary authority; in the interior the people suffered alike from banditti and from tyrannical magistrates. It was not till the reigns of the Tudors, "Britannia's issue," that wise attempts were made to humanise them by equal laws. Their language withheld them from contributing to English literature; and their small numbers, constant disorder, and peculiar social organisation, repressed a genius which might have otherwise assumed a national form. If considered, as they should now be, as a part of the English nation, their literary contributions have been by no means inadequate. Mental produce cannot be expected to any great amount from a people robbed of their national character, and only now re-appearing on a footing of legal and moral equality with other subjects of the crown.

The attempt, so nearly successful, to subjugate Scotland, filled up so entirely and conspicuously the remainder of Edward's reign, as to hide all his other acts from observation. That portion of his administration having been already related* by the illustrious historian of Scotland, little can be admitted here beyond a brief outline of Edward's policy towards that country, as far as it contributes to illustrate the nature and limits of that great monarch's faults. By the untimely death of Alexander the Third, the last monarch of a Celtic dynasty of unknown antiquity, the crown of Scotland had devolved on the Princess Margaret, known in the rudest fragments of our ancient verses as the "fair maid of Norroway," the daughter of Eric, king of Norway, by a Scottish princess, the only child of Alexander who had issue. This lady had been affianced

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* See advertisement.

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to Edward's eldest son, to whom he had given the name of "Prince of Wales," with the consent of the king of Norway and of the estates of Scotland, on conditions which preserved alike the honour, dignity, and independence of both kingdoms. Though the treaty contained a general reservation of the claims of the two countries, it was silent on the ancient pretension to superiority over Scotland, and expressly provided, that no baron who was a vassal of Edward should leave his own country to do homage; a provision which by its silence respecting the Scottish kings, seemed to imply a renunciation of all claim of Edward to be paramount in that part of the island, and amounting to a confession that the English policy towards the unfortunate Llewellyn had been unjustifiable. This treaty, so friendly in its terms and tone, afforded no reason for apprehending the scenes which ensued. But the royal infant, the frail bond of union between ambitious rulers and turbulent nations, died on her stormy voyage from Norway to Scotland. Many competitors for the Scottish crown sprang up, of whom the greater number urged pretensions so manifestly groundless, as to show that justice was the least part of that on which they relied. Two only had specious claims—John Baliol, lord of Galloway, and Robert Bruce, lord of Annandale, both among the most powerful of those last of the Anglo-Norman barons who had settled in Scotland. The titles were so equally balanced, that in the uncertain jurisprudence of that age a determination might have been pronounced in favour of either, without warranting the imputation of manifest injustice. The right of succession being limited to the descendants of David, earl of Huntingdon, brother to "William the Lion," John Baliol was the grandson of that prince's eldest daughter, while Robert Bruce was the son of his second daughter. Baliol was, on the modern principle of representation, the undoubted heir. Bruce, however, claimed as being one degree

nearer of kin to the common ancestor; a title which was probably thought at that time not untenable.

The untimely death of the young queen naturally spread consternation through Scotland. It was the forerunner of twenty years of foreign and civil war, and of an apparently final imposition of the yoke of the stranger; soon, however, to be thrown off by efforts of national spirit which maintained for ages the independence and the fame which have fostered the characteristic virtues and invigorated the intellectual powers of the people.

Edward had many pretences for interfering on this occasion; he was the uncle of the deceased princess, who had been affianced to his son, and during whose long minority he would probably have conducted the government. The Scottish succession, also, was so intimately connected with the tranquillity of the whole island, that he had an honest interest in settling it peaceably. The homage formerly done by the Scottish princes had often been expressly limited to English fiefs, or to the province of Scotland south of the Forth, called "Louden," or "Louthen," formerly a part of the old kingdom of Northumberland. In times of friendship, however, the nature of this homage had been left undefined; while during the periods of England's insolent success, homage for the whole of Scotland had been required. In short, such was the variety of these precedents, that Edward, when a judge in his own cause, could hardly be much condemned for considering them as favourable to himself. He issued a summons to the barons of the five northern counties, among whom were Bruce and Baliol, to meet him at Norham with all their military force; and summoned also the nobility and clergy of Scotland to meet him there about the same time, the language of the latter summons however being studiously ambiguous. As Edward had shortly before appointed the bishop of Durham to be his son's and Mar-

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garet's lieutenant in Scotland, it was the easier for him to continue a superintendence over Scottish affairs, in the mixed character of guardian to his minor son and niece, and of a party to the treaty of marriage between them, without giving alarm by avowing new pretensions, or tying up his own hands by a more precise definition of his rights. The nobles of Scotland accordingly repaired to Norham on the faith of his royal safe-conduct, but apparently without armed followers, though in a foreign territory and in the midst of preparations for assembling an army. Brabazon, justiciary of England, informed the Scotch that Edward, as lord paramount of Scotland, had made this long journey to do justice in the great cause of the succession to the crown of Scotland. It is manifest that the States of Scotland were taken by surprise, for they prayed for an interval of three weeks to consider their answer. So sagacious a prince, who adhered rigorously to forms and solemnities, could scarcely hesitate about granting so specious a prayer; especially in a case where his influence over the competitors, who well knew that, under whatever title, it was he who would decide their fate, would secure him against indefinite delay. At the adjourned meeting, when once more required to acknowledge him Lord Paramount, the states ventured to say that this pretension was new to them, and to add, "No answer could be made while the throne was vacant;" an observation to which no reply was possible, and which drove Edward to a threat of force. "By St. Edward," said he, "whose crown I wear, I will vindicate my just rights or perish in the attempt!" * Intimidated by this language, the competitors, whose interest in the question and ascendancy over the body of chiefs rendered their example irresistible, began by recognising Edward's claims, and by agreeing that all the fortresses of the kingdom should be put into his hands. Thus the English king obtained

* Walsingham, p. 56.

the means of doing right, but the means also of doing wrong. His justiciary then solemnly protested that the King, though he had confined himself for the present to the assertion of his rights, by no means renounced his direct claims to the Scottish throne, which he expressly reserved to himself the liberty of making when he should think fit; thus leaving it open for him to claim Scotland as a male fief reverting to the liege lord for want of an heir male,—a part of the subject as yet untouched by the discussion.

The net was now drawn round the States of Scotland. The English monarch had so skilfully inveigled them into his snares, that he was at leisure to give a smooth varnish of judicial deliberation, and a shallow semblance of free agency, to proceedings into which they had been plunged by the example of the competitors, and from which Edward, with whatever outward decorum, sternly forbade them to retire. They were even obliged to subscribe a declaration, stating that their acts were free and wholly uninfluenced by force or fear; language the necessity of which generally proves its falsehood. Mark, bishop of Sodor (that is, of the southern Hebrides) was infamous enough to bring the first-fruits of servility to the feet of Edward, and was the only prelate who swore the oath of fealty on the first day. Gilbert de Umfreville, earl of Angus, a nobleman of Anglo-Norman lineage, was the only man who showed a spark of Scottish spirit, by refusing to surrender the castles of Dundee and Forfar to England without an indemnity from Edward and from the competitors for yielding to the general defection.

After many other parliamentary proceedings, the King gave judgment, that John Baliol should recover and have seisin of the kingdom of Scotland. The judgment was certainly justifiable; and perhaps it was that which the most learned and impartial judges would then have pronounced. Neither was the character of Edward so de-

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1292. proved that the justice of the judgment was not likely to have been, perhaps, his strongest inducement for pronouncing it. All the competitors were equally in his power. The spell of a common slavishness had equally disabled all from effectual resistance to his farther encroachments. In this state of things, it would be a wanton over-refinement to suggest that he gave judgment for the right heir, in order to conceal and secure his farther unrighteous purpose. Baliol swore fealty to Edward, and was crowned at Scone in the same month. Discussions on the much-disputed question of appeals from the Scottish courts to the English parliament were a plentiful source of ill-humour. The king of Scotland was vexatiously summoned to parliament. Baliol, a man of inconstant and impatient temper, rather than of a mean spirit, could not bear the reproaches of his people, and was unable to contain his indignation till his means of giving effect to it had been prepared. A war broke out between England and France, in which Edward demanded the military service of the Scotch. That nation eluded the demand, prevailing on Baliol to dismiss all Englishmen from his court; and secretly concluded an alliance with France. Hostilities were carried on for a year with various success. The Scots were at length everywhere defeated. Baliol, who had shown some sparks of spirit, made a submission to Edward in terms the most abject. The English monarch in his march, which extended to Elgin in Murray, saw nothing but submission and slavery; nor can he be charged with an abuse of victory.
1297. Scotland, however, the condition of which seemed utterly forlorn, was saved by the genius and heroism of Sir William Wallace, of Ellerslie in Renfrewshire. This gallant person, whose exploits will always be fresh to the heart of every man who loves the independence of his country, began, like most patriotic heroes, to harass the conqueror by petty attacks and nocturnal surprises,

slowly converting a little band of followers into the basis of an army. No authority at once legal and free can exist in a conquered country. As power, therefore, could not be regularly conferred on him, necessity warranted him in assuming it. He sometimes professed to act on behalf of Baliol; at other times he covered himself under the name of a few associates, who appeared to continue the regency established in the minority of the young queen, or to act as the States of the kingdom. The higher nobility profited by his success, and paid court to him in the season of victory; but they were jealous of his fame, and indignant at the presumption with which a man of no distinguished lineage dared to save a country which its own nobility had betrayed. As far as our scanty information reaches, he seems to have checked the ferocity of the outlaws and freebooters whose aid he was compelled to employ. During an inroad into England, he granted a protection to the monks of Hexham for their lives and possessions. "Abide with me," said he to them, "for here alone can you be secure; my people are evil-doers, and I cannot punish them."* He was at last defeated at Falkirk, his adherents mutinying and dispersing. Bruce and Comyn, two of the most powerful lords, were, together with the primate, chosen by some sort of tumultuary election to be guardians of Scotland. The jealousy of the nobles, and the unpopularity of a signal reverse, hid Wallace from our sight for several years. A truce was concluded through the mediation of France. On the renewal of hostilities, a great victory was obtained by Fraser and Comyn over the English at Roslyn. Next year, however, Edward penetrated once more to the northern extremities of Scotland, and completed for a time the reduction of the country. Comyn made his peace by submission. Wallace, Sir Simon Fraser, and Sir William Oliphant, were the only

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* William of Hemingford.

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Scotchmen who had the honour to be excluded from the brand of amnesty. Sir John Monteith, a Scotch baron of high birth, stooped to the base office of pursuing and apprehending the hero; and is charged by tradition with the unspeakable guilt of betraying him to Edward under the disguise of friendship. He who could perform so mean a part as the first in the execution of the law, might, indeed, consider perfidy as a lawful stratagem in war. When Wallace was arraigned at Westminster, he said, "I never was a traitor to the king of England;" scorning to deny that he had fought for the independence of his country. For this pretended crime, however, he was, like the last of the Welsh princes, hanged, drawn, and quartered. But though Edward enforced the outward show of disgrace, he had no power over the hearts and consciences of men. Wallace's death was the more glorious, from the ignominy which the impotent rage of the conqueror heaped on his lifeless corse. His name stands brightly forward among the foremost of men, with Vasa, with the two Williams of Orange, with Washington, with Kosciusko, with his own more fortunate but less pure successor, Robert Bruce. His spirit survived him in Scotland. The nation, touched to its innermost sentiments, by a hero who had arisen among themselves, and who conquered by them alone, retained the impulse which his mighty arm had communicated.

Bruce, earl of Carrick, was roused by the national feeling. In an accidental quarrel, or from a mixture of provocation and premeditation, he slew Comyn, his most powerful rival, in the church of Dumfries, with circumstances characteristic of a barbarous age and country. He was soon after crowned at Scone. He obtained some considerable advantages; but was often compelled to disband his followers and take refuge in the Highlands, in the Hebrides, and even in Ireland. The Celtic tribes espoused his cause. He negotiated

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with the Welsh malcontents, and his brother for a time maintained a struggle for the crown of Ireland. The French also encouraged him. Among the Scottish Normans, a considerable party, deeply pledged to Edward, influenced by their possessions in England, and despairing of forgiveness from the Scotch, whom they had betrayed, still remained steady to the English monarch. That great prince, incensed at the unconquered spirit of the subject nation, assembled once more a mighty army to render resistance hopeless. But heaven had decreed to stay the invasion. Edward died on his march at Burgh on Sands in Cumberland, leaving behind him the character of a great statesman and commander, who never did wrong but when it seemed necessary to his greatness; and who ought to be tried by the maxims of an age which considered the enlargement of dominion as the business of a sovereign; in which the insecurity of states seemed so big with evil that nothing done to secure them was deemed unjustifiable, and when a prince who deigned to disguise his strokes of policy under the forms of law had little to fear from their injustice. His regard for legal formalities was a natural part of his character, and a useful restraint on his severities. Lenity towards competitors, and mercy towards offenders, were then undiscovered virtues. It would have been vain to have expected that he should not remove an impediment that stood in the way of his ambition. There can be no doubt that he employed his feudal pretensions for the purpose of subduing Scotland as well as Wales. It is scarcely possible that the first pretexts, the gradual advances, and the apparently final results of both these enterprises should have so agreed as they did, unless they had flowed from the same poisonous fountain. The circumvention of the estates of Scotland was, in fact, only the first step in a deliberate plan of conquest. Hence, what is a conqueror but a perpetual plotter

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against the welfare of nations ? Treaties and alliances, being wholly turned aside from their avowed and lawful object, are imposed by him only to forward his scheme of reducing his neighbours to thralldom. They are no more than links in the chain which he is winding round the world. Every act, therefore, dictating such compacts, is a crime. When their intention is perfectly manifest, and when there is a reasonable hope of success in the attempt to break them, the observance of them is treachery against the rights of nations. No casuist, however formal, could carry regard for such compacts farther than the rule which a philosophical moralist * applies to promises extorted by private robbers, — that though an utter disregard for them might tempt the plunderer to become a murderer, yet it would be unreasonable to be drawn by ties woven by the hand of a freebooter in a direction opposite to the general principles of charity and duty. Treaties no more bind a people to a foreign conqueror, than allegiance is due from them to a domestic oppressor. The exceptions to be observed are indeed rare ; but the principles from which they flow are the last hope of the most sacred and inviolable rights of mankind. What glory is not due to those who, like Wallace, are ready, for their country, to commit even their good name to fortune ; who, for the sake of justice, wear the garb of offenders, with the full knowledge that nothing but signal success will save them from the reproaches of a posterity as base as their contemporaries ?

To return to England : as it is certain that, from the first establishment of the Saxons, national assemblies shared the power of legislation with kings, so it is probable that these were thrown into the form of a modern parliament by the struggles which distracted the kingdom under the reigns of John and of his son Henry. At whatever period that important transformation may be said to have commenced, its completion through every limb

* Paley, Moral and Political Philosophy. chap. 5.

and organ must have been the work of time. Most of its parts were irregularly and unequally unfolded : some attained their vigour before others, and the growth of some appeared for a time to be checked ; yet, on the whole, the love of liberty, turbulent though it be deemed by many, has so much affinity to law, and so wholesome a jealousy of force, that, if mildly treated, it composes in the end the disorders of the multitude ; and when it has once thoroughly influenced the system, pours a stream of health into limbs palsied by the long inactivity of tyranny, or by its occasional convulsions.

It appears from documents still extant, that about twelve parliaments, of which knights, citizens, and burgesses were component members, were holden by Edward ; who, in spite of his prejudices against De Montfort's innovations, discovered the policy of employing them to render his ambitious projects acceptable to the people, and to involve his nobility in the odium of his political crimes. One of these was assembled at Shrewsbury to sanction the murder of prince David of Wales. They succeeded each other with unwonted rapidity during the period of his costly and unconscientious enterprises against Scotland. The power of parliament was thus enlarged by this monarch as well as by his successors, not only to facilitate grants of money, but to share the responsibility of harsh acts of government, and to introduce innovations too daring to be hazarded by a single arm. The compliance of parliaments, perhaps as much as their independence, multiplied precedents favourable to their right of interposition in public affairs.

It is uncertain when the regular division into two houses first occurred. Originally it should seem, from the various proportions of subsidies contributed by the different orders, that each of the three estates taxed themselves separately. In France the orders appear to have generally acted independently of each other. In

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Sweden and the Tyrol, where there seems to have been a fourth estate of free boors, each was distinct from the others. In Scotland the parliament voted as one body. But in this body it may be doubted whether the commissioners for shires were not considered, in rank at least, as a species of fourth estate. It was not till the next reign that the knights of the shire began regularly to form one body with the citizens and burgesses, sitting in a separate house from that occupied by the spiritual and temporal lords. The circumstances which probably produced this arrangement have already been hinted at as much as the limits of an historical compend will allow. The consequences which sprang from it may be numbered among the most important and beneficial in the annals of mankind; and are remarkable as a decisive example how little even remote consequences are placed beyond the reach of human foresight. It seems probable that those who held land by military service were distinguished from other freemen; and the charter of John requires them to be summoned to the great council with as much formality, though not with so stately a courtesy, as the greatest barons. In process of time they were collected into a body which in some measure corresponded with the inferior nobility of continental countries. The charters, and another ancient statute, by prohibiting guardians from disparaging their wards by marrying them to persons of inferior condition, seem to imply the existence of a body of freemen in England, with whom the military tenants could no more intermarry without degradation than the earls and barons themselves. But when the burgesses, thus marked as a lower caste, had been long united in the same chamber with the progenitors of our modern gentry, engaged like them in taxation, and with them deriving power from representation, they received a lustre and vigour from their more exalted associates, which corresponding bodies in no other country had the

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like means of attaining. The influence of this amalgamation, first in promoting the power of the commons, and afterwards in contributing to the cautious exercise of that power, as well as in giving a liberal structure and spirit to the whole frame of the community, entitles it to be regarded as a singularly important occurrence. The sons of earls and barons sought an elective seat by the side of the lesser nobility, since called gentry, some of whom had before touched them closely in importance. The highest lord, whose wedlock with the daughter of a military tenant was not deemed a disparagement, continued to contract such alliances. On the other hand, the knights must have gradually felt an abatement of their contempt for the industrious classes, whose representatives shared, equally with themselves, the exercise of the highest functions of the state. That co-operation and equality slowly effaced the broad distinction between the two bodies; and their junction raised up a House of Commons, receiving dignity from its place in the state, and deriving a spirit and energy from popular elections, which that institution, even in its infancy, could alone bestow. Such an assembly was strong, not only by their legal power, but their moral influence. It would have been little to possess the power of the purse, if their arms had not been strong enough to keep hold of it. The third estate in some other countries had the like authority at an earlier period; but being composed solely of the immature and slighted representatives of the industrious interests, they had too low a place in general estimation to wield their privileges with effect. The whole of the class hitherto distinguished were, in the continental countries, inseparably mingled with their own immediate superiors, the barons, and kept asunder from the third estate by boundaries of caste as impassable as if the latter body had not been called to any share of political power. If, in speaking of the thirteenth century, we may use an expression which is

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more applicable to later times, the third estate on the continent was without any sprinkling of "gentlemen."

The influence of the house of commons on the whole order of society became, in the course of centuries, still more worthy of attention; though at first, as acting by opinion rather than law, it was neither easy to trace its progress, nor to afford clear proof of its insensible but extensive influence. The source of such influence was evidently the parliamentary union of the lesser nobility with the burgesses, which could not fail in due time to produce a correspondent union throughout society. In the reign of Edward the Second the fords between the orders were so passable that commoners seem to have been called to the peerage. It was not till the time of Henry the Sixth that the word "gentleman" began to be used in somewhat of that modern sense which distinguishes it legally from a nobleman, and morally from an uneducated plebeian. Later heralds and genealogists began to complain of its indiscriminate application; in their antiquarian pleasantries, representing it as being usurped by every idle and useless upstart.

The principle of birth continued to lie at the foundation of the body of gentry, lending to every newly-received candidate some portion of a feeling which is so much mingled with the moralities of education, with the means of generosity, and with lasting exemption from grievous and disreputable toil, that, except where it is counteracted by jealousy of other ranks, it never can fail, with or without the aid of legal privilege, to be an agreeable object of contemplation, whether in our own possession or in that of others. But in the course of ages that body gradually opened their arms to receive among them all men of liberal education and condition. It became a species of voluntary aristocracy, which, after silent trial, adopted every man who appeared to be distinguished from the multitude. Its privileges were bestowed neither by kings nor laws;

and were only withdrawn on strong appearances that the delicacies and refinements of honour imposed, when the rank was granted, had been disregarded. One of its last and most modern results was an unbroken chain of connection extending from the steps of the throne to the lowest limit of liberal education. It would be easy to multiply examples of gentlemen of moderate fortune whose affinities spread nearly to the opposite points. Distant as the extremities are, the steps are in the intermediate degrees short, and made without effort. Every accurate observer may easily convince himself how much all the parts of the chain are fastened together by links more in number and strength than would at first be thought probable.

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The natural subserviency of this intermixture of interests and attachments to the quiet and harmony of the community, is too obvious to need illustration. Hence it in a great measure came to pass that the fiercest civil dissensions of after-times were not between orders, but between parties, each of whom contained in itself a portion of every order, checking the tendency of each party to extremities, and affording inducements to moderation as well as channels of compromise. Hence also, perhaps, that extraordinary union of the principles of stability and advancement which has enabled the British constitution to pass unbroken through so vast an extent of time and place; to control an absolute monarchy in India; and, after political separation, to witness its laws and institutions flourishing among the North American democracies. Nothing short of a union of the most seemingly discordant classes, linked together by ties too deep for common observation, could fit it to be a bond of union between the most ancient times of which we have an account and the most remote futurity which our imagination can anticipate.

From the Norman invasion to the reigns of the

CHAP. Edwards, the assembly since called the "house of lords,"
IV. appears to have been composed of barons and prelates,
1307. who sat in right of territorial possession holden from the crown, and were more specifically designated by the first great charter as "the greater barons." After other members had been added to the assembly, the ancient baronies were distinguished from such additions as baronies by tenure; which, as being descendible to females like estates in fee simple, have been called baronies in fee. About the time of the transformation of the great or common council into a parliament, the number of these original barons seems to have been about a hundred and fifty. They appear at the opening of our authentic history, simultaneously with the kings, and probably arising from the same usage which was the foundation of the royal authority. Earls enjoyed no parliamentary rights different from barons. Edward the Third created his son, the Black Prince, duke of Cornwall; Richard the Second raised his favourite De Vere to the new dignity of marquis of Ireland; the title of viscount was conferred on Lord Beaumont by Henry the Sixth. These titular innovations, however, copied from France, did not substantially affect the composition or power of the house, all the lay members of which still continued to be equals or peers in parliament. An essential change in its character, however, arose from the introduction of barons by writ, notable men who were summoned by the king to aid and advise him in parliament, without any right antecedent to his selection, or independent of it. These writs of summons to persons not barons appear to have been introduced in the time of John, and resorted to more liberally by his successor, to strengthen himself against De Montfort and the more powerful lords. Like most constitutional changes, they were little remarked by ancient writers; but they prepared the means of changing the close aristocracy of the barons, which

must otherwise have become closer still by decay of number, into a body capable of being opened as widely as might be deemed desirable. The writs were at first either never renewed or but very irregularly continued.

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While this constitution of the house lasted, the king having the power of ceasing to summon the barons by writ, whenever they threatened to be independent, their suffrages were necessarily at his service. It was not until the sixteenth century settled, that when a man had been summoned to parliament, and taken his seat in consequence, he and his heirs were ennobled. From that moment it became hazardous for the crown to multiply peerages. For though their first possessors might be servile, they could not be insured against the risk of falling to the lot of less practicable successors. The most modern and usual mode of creating peers is by letters patent under the great seal, constituting the grantee and his heirs male one of the peers or barons of the kingdom; a practice which began in the time of Richard the Second, and of which the first example was in the case of John, lord Beauchamp. The power of ennobling existed also in France. But as the lesser barons were there blended in the same order with the greater, and as all noblemen sat in the States-General only by election, letters of nobility made small impression on so great a mass, and left the chasm between them and the industrious classes as wide as before. In England, the royal prerogative of creating peers broke down the monopoly, laying open to the prosperous commoner the ascent to nobility; while, on the other hand, as all members of noble families but the head sank to the level of the people, they carried downward to the body of freemen at every death among peers a reinforcement of influence and dignity.

Among the most important circumstances which united the knights with the burgesses was the resem-

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blance in the mode of the trial of both for offences. All commoners were tried by a jury of twelve men. The highest knight was subject to this jurisdiction; and the lowest freeman, if not a serf, was entitled to its protection. There are scarcely any authentic materials for the early history of this institution. It seems to have arisen from the confluence of several causes. Perhaps the first conception of it may have been suggested by the very simple expedient of referring a cause from the county court to a select committee of their number, which was required to consist of twelve, for no reason, or even cause, that has been discovered. In criminal cases, it appears, from the laws of the barbarians, that men were acquitted on the testimony of compurgators, who swore that they did not believe the accused to be guilty. In civil cases, the obvious analogy of arbitrators might have contributed to the adoption of juries. Judges unacquainted with, and incapable of, a patient enquiry into facts, might find it safer, as it was easier, to trust to a sort of general testimony given by twelve unexceptionable neighbours on the gross merits of the accused individual or litigated question. There are many traces in this celebrated institution which indicate that jurors must have been regarded, to some extent, in the same light as witnesses. Neighbourhood, for instance, which might be dangerous to the impartiality of a judge, is advantageous to the knowledge of a witness. A "verdict" means "a true saying," and "jurors" are "sworn" to give a "true" verdict. Jurors were liable to punishment for flagrant injustice; and it is still a maxim of legal theory, that they have the very dangerous power of finding a verdict from their own knowledge. A case is preserved from the reign of the Conqueror, which has much the appearance of the dawn of trial by jury.* The king commanded the men of the county of Kent to try whether certain lands pertained to the crown, or to the

* *Registrum Roffense*, p. 42.

church of Rochester. They affirmed that the land was the king's. Twelve of them were directed to swear to the truth of what they said. They withdrew to consider the matter, and on their return took the oath. But one afterwards confessing that they had been intimidated by the sheriff, they were adjudged to be perjured; and, on the oaths of twelve other men, "the best in the county," the lands were restored to the church. Here we see an appeal to the neighbourhood, a reference from the county court to twelve men, an attain of these jurors for a false verdict, and a proceeding very similar to what is now called a new trial. The trial by twelve men became at length so much the usual form in judicial proceedings, as to be called the course and order of the common law. The consuetudinary or common law consisted of certain maxims of simple justice, which we are taught by nature to observe, blended with certain ancient usages, often in themselves convenient and equitable, but chiefly recommended by the expediency of adhering to long and well-known rules of conduct. The progress of our common law till the reign of Edward the First, bears a strong resemblance to that of Rome. The primitive maxims and customs were applied to all new cases to which they appeared applicable. Courts in England, private lawyers, juridical writers, and absolute monarchs at Rome, in delivering opinions concerning specific cases, extended the analogy from age to age, until an immense fabric of jurisprudence was at length built on somewhat rude foundations. The legislature itself occasionally interposed, to amend customs, to widen or narrow principles; but these occasional interpositions were no more than petty repairs in a vast building. From the reign of Edward we possess the "year books," or annual notes of the cases adjudged by our courts. It was not till a century later that elementary treatises, methodical digests, and works on special subjects, were extracted from these materials, by Lyttleton, Fortescue,

CHAP. and Brooke. So conspicuous a station at the head of
IV. our uninterrupted jurisprudence has contributed, more
1307. than his legislative acts, to procure for Edward the name
of "the English Justinian."

The science of law, which struggles to combine inflexible rules with transactions and relations perpetually changing, can obtain no part of its object without the exercise of more ingenuity, and the use of distinctions more subtle than might be deemed suitable in the regulation of practice. In course of time the modes of thought of the lawyers, who were commonly ecclesiastics, were still further warped by the excessive refinements of the scholastic philosophy, which had reached its zenith under Thomas Aquinas, and seemed to have overshot it in the hands of his disciple and antagonist, Duns Scotus. A proneness to uninstructional acuteness, and to distinctions purely verbal, infected it from the cradle. It is difficult not to admire the logical art with which fact is separated from law, and the whole subject in litigation reduced to one or a few points on which the decision must hinge. It has been the ancient and unremitted complaint of the most learned lawyers, that the system has been overloaded with vain and unprofitable subtleties, which, in the eager pursuit of an ostentatious precision, has plunged it into darkness and confusion. We are now labouring to systematise what the experience of our ancestors has collected, and to unite with it more simplicity and clearness. The nineteenth century has at length brought us nearly to the same period which the Romans had reached under Justinian. Our materials are ample, and our skill in reducing them to simplicity and order ought not to yield to that of any former age.

About the commencement of the fourteenth century, the English language had undergone the whole change to which it was doomed by the irruption of Norman words. Many French and Latin words have, indeed,

been introduced later, but by learning or pedantry, rather than by the convenience of familiar intercourse. Many books perfectly intelligible to us were written before Edward the Third. Half a century before that great age, we perceive many bright forerunners of its approach. Shortly before the English language produced one of the earliest books of travels, in Mandeville; one of the earliest appeals to the people in questions of religion, in Wickliffe; and the second poet of reviving Europe, in Chaucer.

The language had now been formed; the constitution had put on its modern outline, and the political and literary progress of the nation has not in five centuries shown any indications of approaching languor or even abated speed.

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EDWARD THE SECOND TO HENRY THE FIFTH.

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 V. the age of conquest. It was followed by the splendid
 1307. empire of Henry the Second, by the period of revolutions under John, and finally by the age of formations and establishments resisted by the feeble Henry, and consolidated, in spite of his ambition, by the martial and politic Edward. On the deathbed of the latter he enjoined his imbecile son to banish his minion, Piers Gaveston, a handsome youth of Gascony. He also caused him to swear that, as soon as he should be dead, his body should be boiled in a huge caldron till the flesh should be separated from the bones; that the flesh should be buried, and the bones carried against the Scots: "for," says an ancient historian*, "he believed that as long as his bones should be carried against the Scots, that people never would be victorious." Nor is it altogether incredible that the fierce rancour of undying ambition should anticipate a gratification after death, by embodying itself in a malignant prophecy.

EDWARD THE SECOND, however, disregarded his father's injunctions, not because he was above ambition, but because he was below it. He withdrew his army ingloriously from Scotland; but it was to throw himself into the arms of his favourite, on whom he lavished the hoards which his father had amassed, if not for more innocent, at least for less disgraceful purposes. Gaveston received the King's niece in marriage, was raised

* Froissart.

to the royal dignity of earl of Cornwall, loaded with manors in every part of the country, and made warden of England when the monarch himself went to solemnise his nuptials with the princess Isabella of France, celebrated as one of the most beautiful women of her age. The barons compelled the King to consent more than once to Gaveston's banishment; but the minion always found means to return. Buffoonery, sarcasm, personal ridicule, are among the most successful of those arts by which sycophants soothe the ears of the powerful; and they were liberally employed by the Gascon for the malicious amusement of the King. After four years of disgraceful resistance, the barons extorted a reformation of abuses from Edward in full parliament. The King's gifts to his minion were revoked: the minion himself was banished: the King was not to leave the kingdom or make war without consent of the barons, who were to choose the guardian in the royal absence: all the great officers of the crown and governors of foreign possessions were to be named by the advice and assent of parliament. These last provisions, though clothed in less courteous language than what is becoming as well as politic in milder times, cover the important principle that the previous confidence of the representatives of the people is requisite to render the choice of public officers agreeable to the constitution. The Great Charter was once more confirmed, and a new provision was added, so important, and so often misunderstood, that it has been deemed fit to print it in this place:—"Forasmuch as many people be aggrieved by the King's ministers against right, in respect to which grievances no one can recover without a common parliament; we do ordain that the King shall hold a parliament once in the year, or twice if need be."* It is manifest from the nature of the grievance, as well as from the express words of the enactment, that this statute provides for

* 5 E. II. c. 29. Statutes of the Realm, vol. i. p. 165.

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the meeting of a parliament, and not for its election or duration, which never were regulated by statute till the triennial acts of 1642 and 1691. It is, however, true, that as the parliaments of that age quickly dispatched their simple business, prorogation was infrequent, and parliament was, in the majority of cases, elected as often as it was assembled.

Gaveston returned in defiance of his proscription. He was taken prisoner on capitulation, and committed to the custody of the earl of Warwick, whom in moments of servile buffoonery he used to call "the Black Dog of Arden." A council was held at Warwick castle to deliberate on his fate. A voice decided it: "You have caught the fox; if you let him go, you will have to hunt him again," said one whose name has not descended to us. The barons disregarded the capitulation. The favourite was hurried to death, and beheaded on Blacklow Hill, within a short distance of Warwick. Feeble tyrants are as remarkable for the levity with which they sacrifice their parasites, as for the infatuation with which they put themselves into their hands. It is not to be dissembled that the barons treated their contest with the favourite as a struggle which of the two should govern a king incapable of governing others, or indeed himself. The incapacity of the latter was at length avowed as a ground of deposition; but it cannot be denied that many of the confederacies to regulate the exercise of prerogative, however justifiable originally either by necessity or inexperience, became in the riper years of the constitution, liable to the charge of being turned into occasions of personal aggrandisement.

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A peace ensued. The King then proceeded to invade Scotland, where he fought a battle at Bannockburn, near Stirling, from which he escaped by a flight of sixty miles in one day, leaving his powerful army dispersed or cut to pieces. Undisciplined armies are liable to

panies; and the short period of military service in the middle ages familiarised them to dispersion. Hence the astonishing vicissitudes of fortune which chequer barbarian war. At last England was compelled to conclude a truce for twelve years with Robert Bruce as king of Scotland; and that great man amply atoned for the vacillation of his youth, by a reign as justly celebrated for wise policy as his early life had been adorned by heroic valour. He lived to sign a peace, in which it was stipulated "that Scotland should remain to Robert king of Scots, and his heirs and successors, free and divided from England, without any subjection or right of service."

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Hugh le Despencer the younger, whose father, a baron descended from the Conqueror's steward, had been in high trust under Edward the First, succeeded to the favour which the Gascon adventurer had enjoyed at court. Thomas, earl of Lancaster, the grandson of Henry the Third, was the leader of the barons, seconded by Roger Mortimer, the powerful warden of the Welsh marches, and secretly favoured by the queen, who had seen with indignation the insensibility of Edward to her charms, and the over-ruling influence of so ignoble a competitor as Gaveston. The Baronial party took arms against the new favourite. They compelled the King to banish him, together with Le Despencer the elder, who appears to have been guilty only of being the favourite's father. The following year, however, the royal forces obtained a signal victory at Boroughbridge. The earl of Lancaster, the Montfort of this reign, was made prisoner, and in a few days led to his own castle of Pomfret, where he was shortly after beheaded, as an offering to the memory of Gaveston, in whose death he was believed to have had a share.

From the official account of the battle of Boroughbridge recently published by Mr., now Sir Francis,

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Palgrave*, it appears that out of two hundred and fourteen knights arrayed against the king, one great baron, five knights, and three esquires were killed; that the earl of Lancaster was beheaded, and fourteen bannerets were hanged, drawn, and quartered; that of the eighty-six knights bachelors, fourteen suffered the same punishment, one knight was beheaded; that six surrendered, and eight fled beyond the seas. The Mortimers were condemned to perpetual imprisonment, and many of the rest to punishments so moderate as to show that the wise and legal policy of Edward the First had not been forgotten by the elder Spencer. It is very probable that the barons had a secret understanding with Robert Bruce, who was himself one of their number; nor is it improbable that they had, through the queen, entered into engagements with the king of France; but their defeat constituted their crime. It was not till this period that the elder Le Despencer, banished on account of his son, shared in his son's revenge. The attainders of the family were reversed in a parliament at York, and the property of the attainted barons lavished on the son.

The remaining part of this unhappy reign is clouded by doubt almost as much as by calamity. The charges against the Le Despenchers seem to render it doubtful whether their fault did not consist chiefly in the favour shown them, or was at any rate anything worse than the assumption of that ascendant which must be exercised by some one over a feeble prince. The conduct of Queen Isabella, though it cannot be justified on any supposition, will be aggravated or extenuated by the judgment which the reader may form regarding charges made by ancient writers against Edward, to which nothing but historical justice could warrant an allusion. The mere prevalence of such rumours was enough to

* Palgrave, Chronological Abstract, MS. *penes* Right Hon. C. W. Wynne, vol. ii. p. 313.

produce alienation and disgust in a youthful beauty, long before the appearance of those feelings could be justly ascribed to deep design or criminal animosity.

As Isabella had early murmured at the favour shown to Gaveston, so she complained, whether sincerely or not, of harshness from the Spencers, and appears to have had as yet no political connection but with the unfortunate earl of Lancaster, of whose followers Roger de Mortimer was the surviving chief. Undoubtedly, however, she sought an escape from her husband. The court of her brother at Paris was her natural refuge. In the course of various disputes between the two courts, the French monarch required homage for Guienne, which Edward declined or evaded. A rupture was the consequence. Mortimer escaped from the Tower, where he had been confined since the battle of Boroughbridge, and joined the English malcontents at the court of France. Meanwhile the ministers, the Le Despencers, and Robert Baldoc the chancellor, under pretence of the necessities of war, seized on the revenues of Cornwall which had been granted to Isabella. Next year the King was persuaded, by suggestions from Paris, to send her to France to negotiate a peace with her brother. She concluded a treaty so humiliating for Edward, that he seemed to be the only man in the kingdom willing to ratify it. The French government insinuated that the terms of this compact would be rendered milder, and therefore more durable, by a grant from Edward of his French territories to the prince of Wales, then in the thirteenth year of his age; who, with less loss of dignity than his father, might do homage for these still considerable dominions. This suggestion was eagerly adopted. Edward shrank from prolonged war. The Le Despencer administration was too unpopular needlessly to risk it. Charles of Valois probably expected to obtain influence over the young duke of Guienne, or rather an easy conquest of that

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long-coveted province. Isabella, perhaps, expected to reign at Bordeaux in the name of her son; and she might hope to grant a safe asylum to the emigrants, or even to obtain her brother's aid against the Le Despencers, whom she considered, or at least represented, as having counselled her husband to make away with her and her son. It is hard to determine whether the truth or falsehood of her allegations is most agreeable to the manners of the age in which she lived. She was, however, desirous of remaining abroad. Whether she then contracted a passion for Mortimer must also remain for ever doubtful; for their apparent intimacy was the inevitable result of their political connection. There is nothing, however, in the known morality of princesses in any age to exempt an alienated and enraged queen from the suspicion of seeking some such consolation.

The queen, after having affianced her son to Philippa of Hainault, landed with a small force at Orwell in Suffolk, where she was joined by the most powerful barons, and welcomed with general applause. In vain did the King offer a reward of a thousand pounds for the head of Mortimer. He was deserted by all: even his brother the earl of Kent joined the queen. Attended only by young Le Despencer and Baldoc he flew into the west for refuge. The queen's army, however, reduced Bristol; and the elder Le Despencer, then of the age of ninety, the governor of that city, was hanged, by her command, before the castle, and within sight of the King and of Sir Hugh, the younger Le Despenser. Stapleton, bishop of Exeter, to whom London had been entrusted, was dragged by the citizens to Cheapside, and torn to pieces, with outrages to his remains the most revolting. The King made his escape from the castle of Bristol, hoping to find a retreat in the inaccessible isle of Conday. But there was no longer any asylum for the wretched prince in his late dominions. The little vessel, after beating

about for eleven days, found means to land him in Glamorganshire, where he spent a short time. The prelates and barons of the queen's party, assembled at Bristol, meanwhile declared, that as the King, accompanied by Hugh Le Despenser the younger, Baldoc, and other enemies of the kingdom, had withdrawn from the realm, and thereby left it without a government, the lords there met had with one voice chosen Edward, duke of Aquitaine, to be guardian of the kingdom, and that the said duke should, in his father's name and on his behalf, rule and govern the realm during the King's absence: and the said public enemies having been taken, and the King having returned to his kingdom, the latter had consented, after some deliberation, to surrender the great seal to queen Isabella and the duke of Aquitaine jointly to provide for the good government of the monarchy. In the interval, the King, after a vain effort to raise an army in South Wales, was obliged to send envoys, or rather messengers, to implore mercy from Isabella and her son. We trace his footsteps in captivity by writs bearing date at Ledbury and afterwards at Kenilworth; for it was still thought convenient to use his hand for the general purposes of government.

Le Despenser the younger held out the castle of Caerphilly, but was, in no long time, made prisoner and brought to a sort of trial at Hereford, where the queen "then kept the festival of All Saints with much royalty."* He was charged with returning to the kingdom after he had been banished in parliament; with having caused the earl of Lancaster and the most illustrious of the nobility to be put to death; with having favoured the king of Scots, and occasioned the defeat of Bannockburn; with having excited differences between the King and queen, and by bribes procured her being sent out of France. Most of these accusations were common

* Dugdale, *Baronage*, vol. i. p. 395.

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railing, some incredible, others inconsistent with each other; any cruelties which he might have been guilty of, ought to have been punished by a tribunal more innocent of such atrocities than his conquerors. It is, however, probable, from the universal testimony of historians, that if his judges had been at leisure for such enquiries, they would have found in his conduct acts of illegal oppression which would have warranted their judgment.

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The first act of the parliament assembled soon after, was to swear to defend the queen and the duke of Aquitaine against Sir Hugh le Despencer, Baldoc, and their adherents. The King continued at Kenilworth during a whole month; and it was reported to parliament, by a committee who professed to have had an audience of him, that he had declined to comply with the petition of that assembly, that he would be graciously pleased to return to his capital to confer with the three estates on the arduous affairs of the realm. He does not appear,

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however, to have been considered as formally deposed till some days afterwards, when it was resolved, that Edward the King's son should be crowned, because the King was incapable of government, and had always been misled by evil counsellors; because by his cruelty and cowardice he had done all that in him lay to ruin his country, and was notoriously incorrigible and incapable of amendment. Three bishops, two earls, two barons, two abbots, and two justices, and (as some add) knights, citizens, and burgesses, were sent to announce this determination to the deposed sovereign. Sir William Trussell, as speaker of the whole parliament, appeared at the head of the deputation, and addressed Edward in these words:—"I William Trussell, on behalf of the whole people of England, and authorised by the parliament, do hereby withdraw the fealty and homage sworn to you. I no longer am bound in faith to you, and I deprive you of all royal power and dignity. We claim and hold

nothing from you as king ; and in all time to come declare you to be a mere private person." *

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Under this fair semblance of popular principles and parliamentary order, crimes of a black and base sort were meditated, which have justly disposed posterity to disregard the forms of liberty under colour of which such atrocities were perpetrated. No expedient had yet been suggested for reconciling an irresponsible king with an accountable government. The terrible revenge of victors in civil wars was generally most signalised by the monarch, who began to be intoxicated by dreams of the divine origin of his authority. But there was no indisposition to retaliate on the part of those who opposed him.

Edward the Second remained at Kenilworth till spring ; probably with some suitable degree of royal dignity. He entreated Isabella to return to his society ; on all suppositions a most singular request. He was committed to the custody of Gournay and Maltravers, sufferers in the cause of the earl of Lancaster, and not likely to be scrupulous in the means of avenging the death of the latter. They are said to have first tried the effect of irritation and insult in breaking his heart or turning his head ; but, ignorant as they were, they must have known that such a mode of murder was the most uncertain and the most liable to interruption of any that could have been devised. He was carried about to Corfe, Bristol, and Berkeley castles, as if Mortimer, or Isabella, had not entirely vanquished their fears, if they had ceased to feel compunctions regarding him : he is said to have been murdered by his ruthless keepers at Berkeley castle, where the apartment, with its original furniture, believed to have been the scene of the assassination, may yet be seen. It has been said that the assassins introduced a red-hot iron into his bowels through a pipe, which prevented any external signs

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* Rymer, vol. i. p. 650.

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appearing to betray the dreadful agonies which they had inflicted. By a benevolent arrangement of nature, these modes of death are often more terrible to those who see or hear of them than painful to the sufferers, who are commonly more rapidly relieved by death than entered into the contemplation of the murderer. He was buried in the abbey church of Gloucester, without any tribute of pity or regret from the people, whose unrelenting indifference to such a fall and to royal sufferings so dreadful cannot be disregarded in the estimate of his character.

EDWARD THE THIRD was only fourteen when "his peacc was proclaimed at Westminster," in consequence, as it was said, of the voluntary abdication or self-exclusion of his father. Isabella and Mortimer reigned under his name. Their connection had doubtless made more advances towards illicit intimacy. The leader of the victorious insurgents became rather the master than the counsellor of the frail princess, and the union between them was cemented by those common interests and dangers which had led both parties beyond the limits of safe isolation. Isabella was now too much in the power of Mortimer not to connive at his deeds, and therefore justly to incur a large share of their obloquy. An open assumption of regal authority mortified the vanity of those barons whose ambition might have been easily lulled by more decent pretexts. The administration, which continued about four years, became unpopular by their concessions to the Scots, and by the renunciation of superiority over that kingdom, though really commendable acts of moderation. How far the licentious manners of the queen and her paramour rendered their government generally unacceptable, it is not easy to determine, in an age when such vices must have been scarcely known to an ignorant people, and could not have been sincerely blamed by a profligate nobility.

Henry, earl of Lancaster, the nephew of Edward the First, together with Edmund earl of Kent, and Thomas of Brotherton, earl marshal, the King's uncles, began to betray an indignation against the encroaching spirit of Mortimer, which had slumbered during the perpetration of his crimes. These three princes, who had been members of the regency established during the King's minority, saw their power reduced to vain formality by the dictatorship of Isabella and Mortimer. Lancaster was with difficulty prevented from striking a blow against Mortimer, now raised to the dignity of earl of March. Edmund of Woodstock and Thomas of Brotherton, however, alarmed at the sound of approaching war, made their peace with the new earl. Lancaster was obliged to be satisfied with a vague promise of redress of his wrongs in parliament. The earl of Kent, who had with equal levity espoused and deserted the cause of the barons, deceived by a report that his brother Edward the Second was still alive, wrote a letter to that prince, which the governor of Corfe castle, who had undertaken to deliver it immediately, betrayed into the hands of the earl of March. Mortimer without delay assembled a parliament, to which he inveigled the young noble, who was convicted of treason, and executed. Tales of the escape of princes thought to have been murdered have always been greedily swallowed when a nation, uninformed respecting the facts, is prone to receive all rumours. The destruction of Kent was probably intended to show that there was no one too high to be struck down by Mortimer. But the spring was strained beyond its strength, and the earl of March fell a victim to his own daring experiment. A parliament was holden at Nottingham, to which the queen and Mortimer repaired with guards both for state and safety. They occupied the castle, the keys of which the latter himself received every evening after the gates were shut. The enemies of Mortimer, however, who

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Execution followed soon after, of this powerful baron. It is said, in the rolls of a subsequent parliament, "that he had acknowledged his share in the murder of the king before his own execution;" a vague statement, which seems chiefly valuable as a strong presumption that no witnesses were produced against Mortimer. The historical evidence, however, against the latter chiefly depends on the improbability that the murder should have been committed without his command or

* The most exact account of the articles against Mortimer, in which the crimes are in most instances charged as committed by the ac-

croachment or usurpation of regal power, is to be found in the Rolls of Parliament, vol. ii. p. 52.

consent, without the privity of others, and without having been really notorious in the space of five years. His criminality and that of Isabella, even if the latter had been suspected of no more than connivance, throws the darkest shade over their former conduct. The allotment of their due share of guilt to each party becomes one of the most arduous duties of an historian, especially in dealing with an age when the evidence is so scanty, and the depravity so general that he is little helped by a comparative estimate of character.

The queen mother was saved from death only by regard for her royal blood. She was adjudged to have forfeited her lands. She remained under a respectful custody at her castle of Risings for the remaining twenty-seven years of her life, with no other appendage of her station than a yearly visit of ceremony from her son.

The six years which succeeded, the bitter produce of minority and civil war, were chiefly occupied by Edward in an attempt to restore the house of Baliol to the throne of Scotland, and to re-establish the vassalage of that monarchy. In spite of the long minority and degenerate feebleness of David Bruce, the Scots preserved their national existence; an event which would have been scarcely possible, had not the power of Edward been diverted from Scotland to vaster and more alluring objects of ambition.

On the extinction of the male descendants of Philip the Fair, the crown of France became the object of contest between Edward, the son of Philip's daughter Isabella, and Philip of Valois, the son of the brother of Philip. The question between them was, whether the crown was descendible only through males, or whether it might be claimed by the nearest male, although his descent was through females. No female had reigned in France since the invasion of Clovis. But no regular order of succession had been established. The open

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usurpations of Pepin and Hugh Capet were greater breaches of the hereditary principle, than was the pretension to the crown of a male through a female. A passage from the laws of the Salian Franks, relating manifestly to private land, was cited as a fundamental law against female succession. It was argued on behalf of Edward that females were excluded, on account of the supposed weakness of the sex, but that this objection could not apply to their male descendants. On the part of Philip, the exclusion was alleged to be for the purpose of protecting the kingdom from alien sovereigns and a foreign ascendancy. It was impossible to decide the question on grounds of law. The laws of that and of more improved ages have made no provision for cases of at least equal importance; defects which lawyers have often vainly toiled to hide under the disguise of faint analogies and cumbrous fictions. The most formidable objection to Edward's claim was that, on his own principles, the last three kings of France had been usurpers, or at least that the male descendants of their daughters were entitled before him. The son of the count d'Evreux, who married the daughter of Louis the Tenth, and became afterwards in her right king of Navarre, seems to have been the candidate of best pretensions, according to the doctrine maintained by the king of England. But it would be needless to devise arguments, at best very doubtful, on a question which was to be determined by other weapons.

Edward gained time for preparation by doing homage to Philip for the duchy of Guienne; an act which, for what reason does not appear, he did not consider as a recognition of Philip's title. The kind reception of the unfortunate David Bruce in France, and the aid furnished to his followers, incensed the English king against his French brother. A powerful ally arose in the Netherlands. Robert of Artois, the son of the last count's only son, had been excluded from the govern-

ment on that prince's death, as more distant in blood than his aunt Matilda, who had for some time ruled Flanders; but on her death he had seized on it; and though deprived of it by Philip the Fifth, who had wedded Matilda's daughter, had sued for a revision of this determination before his brother-in-law, Philip of Valois. In this suit he produced in evidence writings which the court held to be forgeries. The fabricators were executed, and Robert flew to England, where he laboured to excite the hopes of Edward, and to extract from the ambition of that monarch the means of gratifying his own revenge against Philip. France was surrounded by a number of secondary princes, always engaged in territorial or feudal litigation with her, and easily moved by their fears or resentment to take up arms against that great and growing power. The emperor, the dukes of Brabant and Guelderland, the archbishop of Cologne, the marquis of Juliers, the counts of Hainault and Namur, espoused the cause of Edward. James van Artevelde, the famous brewer of Ghent, and leader of the democratical party in the prosperous cities of Flanders, who had a greater share than the earl in the government of that flourishing province; and "to speak properly," says Froissart, "there never was in Flanders, nor in none other country, prince, duke, nor other, that ruled a country so peaceably and so long as Artevelde."

As these great cities formed the emporium of western Europe, as they received and distributed the commodities of the Italian republics brought to them by the Rhine, they were naturally led by a similar progress of wealth and cultivation to the establishment of governments, often rudely and irregularly, sometimes inconveniently, popular; but of which the happy effects on the spirit of the people, the industry of the towns, and the agricultural prosperity of the country, sufficiently attests their immeasurable superiority to the best of unbounded monarchies or unmixed oligarchies. Like

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the republics of Greece and Italy, they were exposed to the occasional risk of arbitrary rule in the persons of men who, having risen to extensive and ill-defined power by the blind favour of the multitude, had gradually acquired new authority and new means of enforcing it, till they were at length enabled to govern dictatorially. The most celebrated of these adventurers, though it should seem one of the best of them, was the person just introduced to us by Froissart, who now received Edward's ambassadors with open arms, agreed to admit that prince into Flanders, which opened the entrance for him into France. Philip was the natural enemy of the democratic party, and the main stay of the earls and barons among the Flemings. To Edward of England, therefore, the cities looked for a counterpoise to the power of their dangerous neighbour. It was at the solicitation of Van Arteveldt that Edward assumed the title of king of France, as a pledge of inflexible steadiness in his undertaking.

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Edward landed at Antwerp clothed with new dignity, perhaps armed with additional power, by the quality of vicar-general of the empire, which had been conferred on him by the emperor. On his arrival he instantly revoked the powers which he had been persuaded by the pacific counsel of the pope to grant, of treating with Philip of Valois as king of France. Though the parliament seem to have been as much intoxicated by ambition as the king, and had strengthened his hands by prodigal supplies, it was the middle of September before he reached the confines of France; where, because his vicarial authority had ceased, the earls of Hainault and Namur refused to advance, thereby reducing his numbers to forty-seven thousand men. The campaign passed without any important action. The second, however, was distinguished by a victory gained by the English fleet over that of France off Sluys, in which, though the battle was fought on the sea, it could scarcely be called mari-

time; little depending on the accidents of the winds and waves, or on the skill of a commander in availing himself of them. Piles of stones on the deck formed part of the magazines. The archers of both nations used their cross-bows as if they had been on land. They employed grappling-irons for boarding, and came to such close quarters as to exhibit a succession of single combats. The victory was complete, and as important as a naval engagement in the enemies' own seas could then be.

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That some nautical knowledge began to be exerted at this time in maritime conflicts is probable, from the first mention of the names of captains and ships which appears in some narratives of this battle. Knowledge in this instance, however, would not seem to have been attended with humanity; for two French admirals, Sir Nicholas Buchet and Sir Hugh Queret, were "hanged upon the sails of their ships."*

After this victory, to which Edward had contributed by his valour and his blood, he challenged Philip to single combat, which that monarch, however, eluded, by declining to receive a letter not addressed to the king of France. The war languished, and was more than once interrupted by a truce concluded by the mediation, and sometimes at the suggestion, of the Pope. Flanders, and especially Ghent, constituted the continental strength of the king of England, who authorised his ambassadors to treat "with the nobles, captains, burgomasters, &c. of the good towns and country of Flanders."† He treated for them with Philip, as the latter had done for his ally Edward Baliol in Scotland. The Pope's pacific policy was becoming and praiseworthy; and he was treated with due respect by the English monarch, whose jealous regard for the independence of his crown was, however, not for a moment relaxed by these parental negotiations.

* Fabian, *sub* A.D. 1390.

† Rymer, vol. ii. p. 1227.

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In spite of the failure of the first two campaigns, Edward found a new road into France, by a disputed succession to the duchy of Brittany between John earl of Montfort, the surviving son of the late duke, who was the male heir, and Charles count of Blois, who claimed the fief in right of his wife Jane, the undisputed heiress, if female succession should be allowed. The king of France or his peers determined the right to be in the count of Blois; and a French army put him in possession of the capital. Edward, however, espoused the cause of him who was the enemy of the house of Valois. Jeanne, a princess of Flanders, sustained the sinking fortunes of her husband Montfort "with the courage of a man, and the heart of a lion."* Montfort was betrayed by a band of malecontent lords into the hands of his rival; but the heroic countess sought succour from England, exhibited her infant son to the people to confirm their attachment to the male line of their princes, and by her eloquence and beauty made a deep impression on the multitude, whose first emotions are seldom ungenerous. After a gallant defence, she was on the eve of surrendering the castle of Hennebonne, when, mounting its highest turret for a last chance of a view of her deliverers, she descried a squadron in the horizon, and called out, "The English! I see the English!" who soon made their appearance in considerable force under Sir Walter Manny, an officer afterwards of great celebrity in the French wars. A truce was concluded for nearly four years, of which one of the stipulations was the release of Montfort. That condition was, however, evaded; and it was not till three years after that Montfort escaped from the Louvre, and, flying to England, did homage to Edward as king of England. He soon after died in his well-defended fortress of Hennebonne.

Edward had early regarded the truce as having been violated by his adversary, and published a manifesto

* Froissart.

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not wanting in plausibility, in which he set forth his wrongs, and laboured to bestow a colour of right on his ambition. In Flanders, though he treated with the "good towns" as free states, yet he called in aid his own formal authority as king of France, and therefore lord paramount of the province. The attachment of the earl of Flanders to the house of Valois now threw a stronger light upon the badness of Edward's title. An attempt was therefore made to persuade the good towns to depose the earl, whom they had long set at naught, and to bestow Flanders on the prince of Wales. In a council holden on board the Catherine, in the harbour of Sluys, about midsummer, the king, seconded by Artevelde, represented the regularity and spirit likely to be bestowed on their proceedings by a measure equally bold and prudent. But the grave burgomasters, tenacious of form even when they sacrificed substance, and jealous, probably, of the potent demagogue, shrank from a proposal to throw away the scabbard, and desired time to consult their constituents of the three powerful towns. Bruges and Ypres adhered to Artevelde, and assented to the proposition of their royal ally. At Ghent the populace were suddenly prejudiced against their leader. As he entered that city, the multitude flocked round him without their wonted acclamations. "He saw such as were wont to make reverence to him turn their backs towards him. He began to doubt; and, as soon as he had alighted, he closed fast his gates, doors, and windows: scarcely was this done when the street was full of men, especially of the smaller handicrafts. He slew many; but at length went to a window with great humility, saying, with fair words, 'What aileth you?' They cried, 'We will have an account of the great treasure of Flanders, which you have sent to England.' He wept, and promised an account if he were allowed time to make it. The impatient anger of the multitude cried out for an instant account. In vain

CHAP. did he remind them truly. ‘I governed you in peace
 V. and rest. In the time of my governing ye have had all
 1346. things as ye could wish,—corn, money, and all other
 merchandise.’ He drew in his head, and tried to steal
 out through a back door into an adjoining church.
 Four hundred men got into the house, and, pursuing
 him, slew him without mercy ere he could gain the
 sanctuary.” All the Flemish towns but Ghent sent
 deputies to England to beseech the king to look over
 this furious act of the populace; and he was at length
 compelled to connive at the impunity of the assassina-
 tion of his most powerful and unshaken ally. He de-
 sisted from claiming a formal cession of Flanders, of
 which the people probably dreaded having so powerful
 a king for their sovereign. “He was finally content
 with the Flemings, and they with him; and so, by little
 and little, the death of Artevelde was forgotten.”*

July. A still larger English army was collected for the
 next campaign, which was disembarked near Cape la
 Hogue. They speedily reduced Caen and Lower Nor-
 mandy. Edward marched along the left bank of the
 Seine, towards Paris, burnt St. Germain and St. Cloud,
 and insulted, by a few of his light troops, the suburbs of
 the capital. Philip, who had fixed his head-quarters at
 St. Denis, broke down all the bridges to prevent Ed-
 ward from joining the sixty thousand Flemings who
 had crossed the frontiers. Meantime the English so
 deceived the French by a feigned march towards Paris,
 that Philip sent the larger part of his troops to the
 relief of his capital; whereupon Edward’s bowmen
 cleared the remains of the bridge of Poissy, which was
 capable of being so far repaired that the English, wheel-
 ing rapidly round, were able to pass it before Philip
 discovered the stratagem. The king of France appears
 then to have resolved on defending the line of the
 Somme, where his opponents had vainly attempted to

* Froissart (Berner’s translation), p. 115.

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force the bridges of St. Remi, Long, and Pecquigny. Philip, who had encamped at Amiens with one hundred thousand men, took advantage of the checks received by the English to possess himself of Airaines, which they had evacuated two hours before, having pursued their way to Oisemont, where they found themselves cooped up between the sea, the Somme, and a French army far more numerous than their own. At midnight, however, they found means, with great difficulty and danger, to cross the ford of Blanchetaque, which was passable at low water. An action was fought in the river between Edward's vanguard and the troops who, under Godamar du Fay, were appointed to defend the pass. The latter was defeated, and routed with a loss of two thousand men: only a few French stragglers remained on the left bank to join Philip; and Edward took possession of Crotoi, a village on the sea-coast to the right.

Philip waited a day at Abbeville for reinforcements. This day was employed by Edward in refreshing his troops and surveying the ground. He was now master of his own place and time for action, and chose his position at Creci, a small town on the road to Hesdin. The battle of Creci, still memorable after the lapse of ages, was the conflict that ensued. Edward posted his main body on the ascent of the rising ground, under his heroic son, then a stripling of fifteen years of age: a separate body covered the prince's left: the king was at the head of the reserve, which occupied the bridge. He superintended in person the refreshment of his troops. Philip arrived on the ground before noon, after a long march from Abbeville, and, in spite of the advice of his wary veterans, attacked the enemy with an army wearied and confused by their disorderly advance. The Genoese archers, fatigued by their heavy cross-bows on a sultry march, rushed forward with loud cries to attack the English bowmen, who were the strength of Edward's army. These last stood still: even on the second

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charge "they stirred not one foot." But when they got within shot of their enemies, they let fly their arrows so thick that they fell like snow. The Genoese fled, and some of the heavy-armed troops were involved in their confusion. John of Luxemburgh, king of Bohemia, who commanded Philip's main body, though nearly blind, ordered his followers to bring him into the hottest part of the battle, and used his sword so valiantly that messengers were sent to Edward to solicit aid for his son. "Is my son dead?" said Edward. "No, sir," replied the knight; "but he is hardly matched." "Return to those who sent you," said the king, "and say that they send no more to me while my son is alive. Let them suffer him to win his spurs; for, if God be pleased, I will the day be his." John of Luxemburgh, who disdained quarter, was slain by the young hero, who thence assumed the motto of "*Ich dien*," I serve. The rout, as often happened in that age, became universal. The number slain shows how great was the panic, and how unsparing the vengeance of the pursuit. Three knights only are said to have fallen among the English army. On the French side, the kings of Majorca and Bohemia, the duke of Lorraine, the count d'Alençon, brother to Philip, with twelve hundred knights, fifteen hundred gentlemen, four thousand men at arms, and thirty thousand infantry, are said to have perished in this tremendous defeat.

In the south of France, also, the arms of Edward prevailed over those of Philip. David Bruce, who had been urged to invade England by Philip, was defeated and made prisoner at Neville's Cross, in Durham, by a considerable army, led to the field by Philippa, a princess not unworthy of her husband and son. The exultation of victory, which at all times easily affects popular assemblies, disposed the parliament to a profuse grant.

Three days after his victory, the unwearied Edward

turned his arms to the siege of Calais, anxious to hold a key to France by a safer tenure than the intrigues and seditions of a Flemish populace. The governor, magistrates, and people of Calais, however, made a glorious defence of eleven months' duration. After having devoured all the unclean animals in the fortress, they seemed to have no resource left but that of devouring each other. The French efforts either to raise the siege or to negotiate a peace proved unavailing. The burgesses offered to surrender on condition of being allowed to depart unarmed. Sir Walter Manny, on the part of his master, declared that the king would ransom whom he pleased, and put to death such as he list. That brave officer, however, and some of his colleagues, represented to Edward the dangerous example to his own officers of such a punishment being inflicted for a faithful defence. "I will not to be alone against you all," said the king; "but tell the captain that six of the chief burgesses must come forth bare headed, bare footed, and bare legged, in their shirts, with halters about their necks, with the keys of the town and castle in their hands. Let these yield themselves purely to my will; the residue I take to my mercy." *

The governor assembled the people in the market-place, and communicated to them these melancholy terms. The townsmen wept piteously. Eustace de St. Pierre, however, the most eminent of the citizens, with a noble sense of the duties of his station, called out, "To save the people, I will be the first to put my life in jeopardy." Five others claimed the post of honour, and the whole party were brought prisoners before Edward. They fell on their knees and besought his mercy. The stern barons who surrounded him were melted to tears. He looked at them fiercely, however, for he hated the people who had so long delayed his progress. When he commanded their heads to be

* Froissart (Berner's), p. 116.

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struck off, he was answered by a cry for mercy. He sent for the hangman; for no one else would execute such cruel commands. Philippa, his generous consort, who had the claim of pregnancy at the time, fell on her knees, and entreated their pardon. He looked at her silently for a few minutes; and then said, "Dame, I wish you had been in some other place; but I cannot deny you." It may be suspected that the whole scene was a concerted exhibition, to display the grace of mercy in union with the terrors of vengeance. Whatever the secret springs may have been, the spectacle of this devoted heroism presents a striking picture of the horrors of barbaric warfare, cheered by streaks of light from those better principles which were beginning to show themselves among bystanders and historians.

The reader of this part of history is often surprised by the small consequences which the greatest events produced; which may be ascribed to the short period of military service, to a wretched system of finance, and to the inconstancy of violent passions. The first fruit of the reduction of Calais was a truce which lasted till five years after Philip of Valois had been succeeded by his son John. Edward made offers of peace to the latter monarch, on condition of his renouncing his pretensions to the French crown, and contenting himself with Guienne, Aquitaine, and Calais, in absolute sovereignty. The Black Prince, who governed his father's dominions in France, made a somewhat predatory expedition into the neighbouring provinces, carrying his arms the year after into the heart of the French territory. Advancing from his capital of Bordeaux, he entered Poitou, and encamped at Maupertuis, within two leagues of the city of Poitiers. His army was variously rumoured to consist of eight thousand or twelve thousand men. That of king John is said to have contained sixty thousand horse; which implies a number of infantry scarcely credible. Nothing but patience seemed to have been

necessary for the complete and final triumph of the French monarch. The retreat of the Black Prince was cut off. He chose a position judiciously, indeed; but the infatuation of John alone could have given him a single chance of escape. The cardinal Perigord, with a view to prevent bloodshed, prevailed on Prince Edward to consent, that, in consideration of an unmolested retreat to Bordeaux, he would restore the places and prisoners taken in the campaign, and not serve against the King for seven years. John, however, insisted that the prince and a hundred knights should surrender themselves prisoners. Edward would yield no more. The event of the battle of Poitiers, was decided by the military eye of the prince, and the sinewy arms of the English bowmen. Cardinal Talleyrand continued his pacific offices to the last moment. While both armies were marshalling for action, he made one more effort in view of both to obtain more moderate terms from John. On receiving his answer, he rode across the ground to report it to Edward, who replied, unmoved, "God defend the right!" The signal for battle was given. A body of French men-at-arms made an attempt to charge and break the English archers, who were placed in the van. The advance, however, was made through a narrow lane, which a few men could defend, and archers were posted behind the hedges. Flights of arrows from the back of these slew or wounded the horses and horsemen. The assailants, oppressed by their own numbers, were thrown into irretrievable confusion; and the cry of "St. George" began to raise itself more loudly than that of "St. Denis." The French vanguard, after a display of their wonted valour, fell back on the second line. At this instant, as it should seem, a body of six hundred English appeared on the left flank. The French officers thereupon sent the young princes to a place of safety, with an escort of three hundred men, a double movement, which increased the panic now spreading in

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the French second line, and was soon followed by their giving way. Lord Chandos, perhaps the most renowned of Edward's lieutenants, cried out, "Sir, ride forth: the day is your own. Let us get to the French king's battle: I think verily, by his valiantness, he will not fly." The slaughter was very great; quarter not seeming to have been granted except where ransom was hoped. The number of men of rank who fell may partly be ascribed to their pride of valour, and partly to the heavy armour, which secured them in battle, but encumbered them when they were thrown into confusion or driven to flight. "On the French party," says Froissart, "a full right good knight, with his own hand the king did on that day marvels in arms." When surrounded by an English band, who contended for the royal combatant with more zeal for their fame than regard for his safety, he asked, "Where is my cousin, the prince of Wales?" Denis Morbec, a knight of Artois, who served in the English army, having been banished from France for homicide, now forced his way to John, and rescued his native sovereign from the peril of death. Edward received his illustrious captive with a courtesy and hospitality which have justly placed him among the most generous of victorious knights. He served the king at his repast, declining a seat by him at table as an honour too exalted for himself. He consoled him as for an accidental disaster, more than compensated by his prowess during the day; and assured John that the calamity would only lead to an inviolable friendship between two monarchs, of whom the vanquished was as worthy of admiration as the victor. The subsequent reception of John in England justified the assurances of the prince of Wales; and though we might desire a more impartial and comprehensive humanity, yet it is reasonable to exult, that kindness and sympathy now so prevailed among the higher orders of society, as to render their exercise an object of distinction.

The truce of two years which followed the battle of Poitiers afforded little relief to France. The mercenary troops who had been in the service of both parties were now let loose on the country. About forty thousand of these, divided into companies of from twenty to forty each, commanded by adventurers of all nations, ravaged every part of the devoted kingdom, making war without distinction on the opulent or merely industrious.

On the approach of the war with England, the king of France had been, like his English rival, reduced to the necessity of applying to the States-General for supply. It was granted on the very remarkable conditions of re-appreciating the currency, which had been made to pass for more than four times its value; of prohibiting purveyance, against which the subject was even authorised to defend himself by force; and of paying the produce of the taxes to receivers to be nominated by the States, and declared to be responsible for the appropriation of the whole sum to the expenses of war. All orders of men, including even the royal family, were alike subjected to the assessment; and, what was most remarkable of all, a provision was made for re-assembling the States in the two years following, to regulate and defray the public expenses. This revolution in the constitution of France, which is almost unnoticed by contemporary writers, we can scarcely regard in any other light than as an expedient of the king to obtain money by whatever concessions. When the States met the second time, the king of Navarre and the Norman lords complained of the new taxes; but, having been invited by the Dauphin to a grand festival at Rouen, they were perfidiously surprised in the midst of their festivities by John, who ordered the king to be arrested for a murder committed by his orders four years before, but which John had pardoned. The inferior lords were immediately ordered out for execution. The king of Navarre, after having been dragged from his seat by

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John, who spared no brutality in his treatment, was carried a prisoner to Paris. During his imprisonment, he was kept in continual agony by agents, who disturbed him even in the hours of rest with unceasing announcements of instant death. This was before the battle of Poitiers. That event was not such as to compose the confusions of France. Charles the dauphin took the title of lieutenant of the kingdom during his father's imprisonment, and assembled the States-General. That body, chiefly led by the Navarre party and by Stephen Marcel, mayor or provost of Paris, demanded from the dauphin, 1st, the trial of the ministers; 2dly, the enlargement of the king of Navarre, who had been treacherously imprisoned; and 3dly, the establishment of a council of four prelates, twelve knights, and twelve burgesses, to assist the king in the administration of the kingdom. After many objections and evasions, the king was obliged, at the third session of the States, to issue that great edict of reformation, which, if it had been honestly granted or vigorously maintained, would probably have established liberty in France four centuries sooner than the memorable struggle to obtain and to preserve it in which she is now engaged. The original monuments of this great though unsuccessful attempt have been destroyed or suffered to perish, insomuch that our means of estimating the prudence or the purity of the reformers are altogether inadequate. The reforms themselves do not incur the censure of extravagance. The conduct of their authors was doubtless not unaffected by the lawless and faithless spirit of the times. If the king of Navarre deserved the name of "Charles the Bad" in its comparative sense, his claims to be "raised to that bad eminence" are unknown to us. Stephen Marcel put to death two of the dauphin's counsellors so near that prince, that their blood sprinkled his robes. The nobility began to be fearful or jealous of the burghers. The dauphin convoked a rival assembly

at Compiègne; and the king of Navarre, though released and entrusted with the command of Paris by the popular party, was prepared to sacrifice his constituents to his brother-in-law the dauphin, who soon after therefore became master of that city. The efforts after public liberty, the projects of personal ambition which had agitated the States-General for three years, were lost in the deluge of general misery which they had probably in some measure contributed to swell.

The general confusion was carried to the utmost pitch by a revolt of peasants or serfs against their lords in most of the provinces surrounding the capital. They were called the "Jacquerie," from "Jacques Bon Homme," or Gaffier James, their real or imaginary leader. This revolt of slaves, who, having lost all hope, might well say, "Farewell fear, farewell remorse!" was the only disorder which on the continent delayed the enfranchisement of the serfs; the most extensive and beneficent revolution recorded in history, since the delivery of women from perpetual imprisonment and uncontrolled slavery by the abolition of polygamy. The tumults and excesses, which threw a slight shade over its progress in England, will be more fitly related in the history of the next reign.

Wearied with wars of disappointment to Edward, and of unspeakable mischief to France, a treaty was concluded between the contending parties at Bretigny, of which the principal stipulations were the cession of the old possessions and new conquests of the English in France to them in full sovereignty, the renunciation by Edward of his pretensions to the French crown, and the payment of a million and a half of English nobles as a ransom for John. A few months afterwards, however, difficulties occurring in the levy of so great a ransom, it was agreed by both princes to postpone their formal renunciations for the present. John, therefore, justly surnamed "the Good," returned to London after

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four years' liberty, and again became a hostage for terms which it was impossible to perform. He died there soon after, a remarkable, perhaps singular, example of faith and honour. About the same time, the death of Edward Baliol without issue having left David Bruce without a competitor for the Scottish crown, the long pretensions of the Plantagenets to Scotland were closed by Edward's recognition of his brother-in-law.

In the mean time the "Black Prince" was wedded to his beautiful cousin Jane Plantagenet, daughter of the earl of Kent; the King raising him to the new dignity of prince of Aquitaine and Gascony. He established a magnificent court at Bordeaux. He reconciled many of the Gascon and Pyrenean lords to submission, inured to independence in their distant fastnesses, and scarcely brooking even the forms of regal superiority. A considerable portion of his Gascon administration was unfortunately employed in an irruption into Spain, in which he maintained his renown as a captain, but earned neither moral honour nor political advantage. Pedro, surnamed "the Cruel," king of Castile, had opened his reign when a boy by the murder of Leonora de Guzman, his father's mistress, prompted by his relentless mother. His own wife, Blanche de Bourbon, he committed to the custody of the uncle of his paramour, Maria de Padilla, in whose hands she was believed to have perished by poison. The numerous exiles from his tyranny, at the head of whom was Henry of Trastamare, the son of Leonora de Guzman, first found a refuge in Aragon. They were driven from their asylum, however, by fear of Pedro, and compelled to seek a more inviolable home in France. Trastamare and the celebrated Duguesclin raised an army of thirty thousand of "the companies" for an attack on Pedro, by which they almost delivered France from these freebooters. By their aid, and the concurrence of the Castilians, Henry deposed Pedro without a blow. The

tyrant escaped, however; obtained a passage to Bayonne, and threw himself at the feet of the renowned prince of Aquitaine.

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And now the defects of chivalrous morality were strikingly exhibited. Justice and humanity disappeared.* Edward was flattered with the notion of redressing the wrongs (for such the deposition seemed to him) of a king and a knight. So imperfect, or rather impure, was his system of ethics, that he regarded the restoration to a convicted oppressor of the power to make a nation miserable as a legitimate and even sacred undertaking. He defeated Henry in the battle of Navarrete; preventing Pedro, however, from putting two thousand prisoners to death. The ungrateful tyrant, however, neither paid nor provisioned the army of his benefactor, and the prince returned to Bordeaux without profit or credit. In the following year Pedro and Henry met at a conference. They seized on each other with the rage of unnatural hatred. Pedro threw Henry on the floor; but Henry stabbed his antagonist, and was once more acknowledged as the legitimate king of Castile.

The Black Prince, embarrassed by unpaid mercenaries, imposed unpopular taxes for the purpose of obtaining the means of discharging them. The mutinous lords appealed to the court of the lord paramount. In the course of the hostilities which ensued, and in the last military operation of his life, he gave the strongest proof of the proud and unfeeling character of even the best chivalrous morality. Incensed at the revolt of the city of Limoges, he gave notice to the inhabitants, that unless they immediately expelled the French garrison and surrendered the traitors, they should be put

* A Jacobite writer, 400 years after the event, lets us into the secret of the prince's morality. "The prince of Wales was too much a *man of honour* to favour usurpation in any country."—Carte, *History of England*, vol. ii. p. 516.

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to the sword, — man, woman, and child. When, after a month, the English army entered by a breach, the prince, already too infirm to ride, was carried into the town in a litter, accompanied by his brothers. It was a miserable sight to behold the whole population on their knees, bathed in tears, and beseeching him for mercy. He was so inflamed with ire, however, that he took no heed of them. “More than three thousand men, women, and children, were slain on that day.”* After witnessing this butchery, he remained on the spot in his litter to see the hard-fought defence of four score French knights, who still kept their ground against the English. However indifferent to the massacre of the vulgar, “heads without name no more remembered,” yet, as a veteran warrior, he was touched with admiration of the gallantry with which the cavaliers performed their part, and rewarded so brilliant an exhibition by a grant of their lives.

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Thirty years of toil and peril had prepared the robust frame of Edward for fatal impressions from a Spanish autumn. He returned to England in quest of health. His mother, Philippa, had some years before left her beloved family in a state of dissension and unexpected decay. As his health declined, the government of Aquitaine, and the chief management of public affairs, fell into the hands of his brother, John of Gaunt, duke of Lancaster, who assumed the title of king of Castile in right of his wife, the daughter of Peter “the Cruel” by Maria de Padilla. The Black Prince died at Canterbury, in the forty-sixth year of his age; leaving the reputation of a consummate commander, a generous knight, a wise and vigorous statesman, and a model of royal dignity and magnificence, unmatched by any man of that age, unless his father may be excepted. It was fortunate for his fame that he did not live so long as to be regarded as a peevish and gloomy valetudinarian.

* Froissart.

After his return to England, the prince had embraced the popular cause, which rose to vigour in the evening of the great King's life. Whatever his motives were, he appears to have become the life of the hostility now carried on by parliament against the ministers and mistresses of his father, whose costly victories had often compelled him to purchase parliamentary supply by larger concessions than had been extorted from the timidity of feebler princes. The state of foreign affairs was inauspicious. The French conquests of the two greatest captains of the age had been lost. Calais alone remained in the north. Bordeaux and Bayonne were the principal remnants in the south. The parliament complained of needless expense and oppressive taxation; carrying their scrutiny into every branch of administration; impeaching the principal agents of the duke of Lancaster; and declaring the necessity of adapting the administration to their demands. Alice Perrers, a lady of the bedchamber to Philippa, to whom the doting fondness of the King had presented the jewels of her royal mistress, was by name forbidden the court, under pain of forfeiture and banishment, in pursuance of an ordinance made to prevent the influence of women in biassing the course of justice, and unduly obtaining graces from the King. At the end of their remonstrance they pray the King to call the royal child Richard of Bordeaux to parliament, that the lords and commons might receive the noble son of such a father with due honours. Their language indicates that they felt they had lost their protector, and that the duke of Lancaster was not acceptable to them. The latter, however, resumed his ascendant. Sir Thomas de la Mare, the speaker of the independent house of commons in the parliament called "good," was committed to prison. In the last year of Edward's reign a parliament convoked by the young prince of Wales threw itself into the arms of the duke, and his steward, Sir Thomas

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Hungerford, was chosen speaker. Even the year before, it appears from the rolls of parliament that the two houses had repaired to the King at Eltham, he being unable to perform the short journey to Westminster. During the remaining months of his life he lived in gloomy solitude, either at Eltham, or at the beautiful manor of Shene, with no confidential attendant but Alice Perrers, who, if we may believe an old chronicler*, deserted him on the morning of his death, carrying with her the royal ring, which she had drawn from his finger. It is added, that the servants had disbanded, after pillaging the palace, before his death; and that the only office of piety which attended his dying moments was performed by a solitary priest, who put into his hands a crucifix, after kissing which he wept and expired.

Though the victories of Edward left few lasting acquisitions, yet they surrounded the name of his country with a lustre which produced strength and safety; which, perhaps, also gave a loftier tone to the feelings of England, and more vigorous activity to her faculties. The pride of valour may belong to barbarians; but a long series of signal victories gained over the most formidable of their competitors, though they beget many evil and degrading passions, may on the whole elevate the heart and rouse the understanding of mankind.

During a reign of fifty years, Edward issued writs of summons, which are extant to this day, to assemble seventy parliaments or great councils; thus engaging the pride and passions of the people so deeply in support of his projects of aggrandisement, that they became his zealous and enthusiastic supporters. His ambition was caught by the nation, and men of the humblest station became proud of his brilliant victories. To form and keep up this temper was the mainspring of his domestic administration, and satisfactorily ex-

* Walsingham, p. 189.

plains the internal tranquillity of England during the forty years of his effective reign. It was the natural consequence of so long and watchful a pursuit of popularity, that most grievances were redressed as soon as felt; that parliamentary authority was yearly strengthened by exercise, and that the minds of the turbulent barons were exclusively turned towards the glory of foreign conquest. Quiet at home was partly the fruit of fame abroad. An age of victory is productive of those triumphs and monuments which soothe national pride, and contribute to foster the feelings of nationality. Windsor was probably one of the noblest architectural piles of the age. The hall of Edward's palace at Westminster still stands a lasting example of massy magnificence. The chapel of the same regal mansion is now* the room in which a representative assembly sits making laws for ancient and renowned nations, to whom the name of Plantagenet was unknown. Civil architecture was beginning to revive; castles were being used for solemnities and festivities, which before had no other purpose than security. The architecture of churches had almost reached its highest perfection; a new and singular art, which, though it spread magnificence from Seville to Norway, has left scarce any account of the names of its professors. The contrast of vastness with minute finish; the power of structure to exhibit changes of light and shadow — transitions from awful gloom to splendid radiance; the variety and intricacy of parts, yet appearing as a whole to the fancy, which characterises this noble art, have formed a mental connection between it and religious worship, which acquires additional strength from age to age. Most of the European cities may boast of their sacred edifices. Why Gothic churches (for so they are called) of singular beauty are more abundant in the central counties of England than in any other part of Europe

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which the writer has seen, is an unexplained fact in the history of an art which is dim and mysterious in its origin and progress as well as in its fabrics. The foundation of the Order of the Garter, with its ceremonial and legends, its martial and religious parades, convinces us that we have at length reached an age which, undisturbed by the coarse chivalry of barbarous reality, had formed out of its traditions an ideal web of love and war, of valour and devotion.

The reign of Edward was distinguished by Chaucer, the greatest poetical genius, if not the greatest poet, with the single exception of Dante, whom Europe had produced, probably, from the death of Lucretius, and who undoubtedly surpasses every English poet, except Shakspeare, in the variety and fertility of his faculties. It is no wonder, after the appearance of such a writer, that the language which he had ennobled should be legally declared to be that of legislation.

The statute of treasons has, in its operation, weakened the power of oppression more in England than in most countries, and has on this account justly become a popular enactment. It limits the offence of political treason to three cases: 1. Compassing the death of the king; 2. Levying war against him; and 3. Abetting his foreign enemies within his kingdom. It was granted, however, rather to the rapacity of the barons than to the safety of the subject. All the other acts formerly held to be treason being now reduced to felony, the escheat thereby fell to the immediate lord instead of accruing to the crown, which forfeited for high treason alone. The whole character of the statute is indeed feudal, and adapted only to the treasons prevalent in feudal times, which were either secret assassination or open rebellion. A conspiracy to revolt was then an unknown offence. No other than the barons could have been conspirators; and their preparations, incapable of secrecy, were commonly as notorious as

those of a foreign prince. Judges in process of time enlarged the scope of this act to cases for which it certainly was not intended, and which should have been met by the only reasonable remedy of a new law. Our ancestors, and we ourselves, have been fearful of repairing a rude statute, lest the established powers should seize on the reform as an opportunity for making the law more tyrannical under the pretext of making it more methodical and complete. "Under this reign," says Sir Matthew Hale, "the law was improved to its greatest height. The judges and pleaders were very learned. The pleadings are more polished than those in the time of Edward the Second; yet they have neither uncertainty, prolixity, nor obscurity. So that at the latter part of this king's reign the law seemed to be near its meridian." *

The frequency of famines, and excessive fluctuation in the prices of the necessities of life, were among the most wide-wasting evils which afflicted the middle age. In a time without commerce, the scarcity of one district could not be relieved by the redundant produce of another. Nor can ignorance and prejudice, however formidable, produce so much mischief at other seasons by restrictive law as that which naturally sprang from the absence of all traffic. The pestilential fevers which raged with such malignity may, in part, be ascribed to want of food, fuel, air, and clothing, to towns crowded and filthy, as well as to the low state of medical knowledge. In this reign, also, Roger Bacon made the discovery of a composition like gunpowder, for a fulminating powder and fireworks. It was disclosed to the public by Swartz, a German monk, soon after the beginning of the fifteenth century.

RICHARD of Bordeaux was raised to the throne in the eleventh year of his age, amidst the acclamations of the

* History of the Common Law.

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multitude, readily bestowed on the beauty and innocence of the boy, the martial and popular glories of his father, and the jealousy stirred up by the overshadowing power of John of Gaunt, now the undisputed chief of the house of Plantagenet. The melancholy of Edward's latter days was not unsuitable to the gloom which had hung over public affairs. Though the great dominion of Aquitaine had rather crumbled down under the unnerved hand of age than fallen by the vigorous blow of an enemy, yet the twenty years of languid contest and gradual decay which had followed the battle of Poitiers, formed a disheartening contrast with the early triumphs of the same reign. Vexatious inroads were the only fruit of the needless contest with Scotland. The renewal of hostility between the French and English parties in Brittany added the important stations of Brest and Cherburgh to Calais, Bordeaux, and Bayonne. The first parliament of Richard showed a disposition to adopt a spirited and independent part. Peter de la Mare was again chosen speaker of the house of commons. The decree against Alice Perrers was renewed, with no indulgence even towards the memory of her royal lover. In the proposals for a regency, some circumstances occurred illustrating the state of parties, and throwing a strong light on those ludicrous positions in which the accidents and infirmities of human nature may sometimes place hereditary monarchy. The royal boy was gravely spoken of by primates and chancellors as already a sage and hero endowed with all the attributes which the priests of Thibet discover in a newly-found Lama. Both houses of parliament on their knees besought him that he would be graciously pleased to name the king of Castile, with eleven other lords, to be a council of regency. They were informed that the King in parliament had wisely consented to this mode of supplying his defect of understanding. But the duke of Lancaster angrily and fiercely rejected this expedient

for weakening his power by so much mixture with others, which he treated as a new stratagem of his enemies and calumniators in the lower house. Nine counsellors of regency were chosen, among whom he appears to have had little influence. This choice was, however, only for a year; and the supplies were strictly appropriated to military defence.

Early in this reign broke out the famous revolt of the lower classes in England, similar to the insurrection of the French peasants thirty years before. Both these events mark the period when slaves, who were advancing from the condition of chattels, began to feel an ambition to become men. Their masters in some places pulled them back too violently: they were themselves impatient of the time which such a progress requires. Accidental provocations frequently excited them to violence; but in general the commotions of that age will be found to connect themselves with that point in the progress of slaves towards emancipation, when their hopes are roused, and their wrongs are not yet redressed. In 1315, Louis Hutin issued an ordinance "setting free all the serfs of his domains," on certain conditions; and, in 1318, his son Philip le Long confirmed that edict, declaring, that "as our kingdom is called the kingdom of the Franks, or Freemen, and we are desirous that the thing may correspond to the name, we grant liberty to all the serfs of our domains." In 1339, we find a commission from Edward the Third to the same effect. Probably the rise of wages then ascribed to the mortality of the pestilence, which vain attempts were made by several statutes to lower, was partly attributable to the enfranchisement of villeins before the wages of free labour had been gradually determined by competition. Other statutes regulating the proof and proceedings in suits concerning liberty, indicate the activity of emancipation at this period. No general law however had passed, either in England

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or France, for manumission. But the barons, influenced by necessity or convenience, followed the example introduced by both kings in the royal domains. The judges, who were ecclesiastics, multiplied presumptions and rules of evidence consonant to the equal and humane spirit which breathes through the morality of the Gospel. A residence of three years in an incorporated town protected a villein from all claims by his former owner. Of the two proofs of servitude, one by prescription was loaded with as many difficulties as the humane contrivance of judges could devise; while of the other, that by judicial confession, though instances from extreme poverty are not wanting in early times, there is no example in our books later than the time of Richard.

It has already been observed that Christianity promoted manumission, though the rules of its pacific morality disturbed no civil institution. The plebeian extraction of the clergy disposed them to favour the cause of their brethren and neighbours; and the rise of many of them to the highest stations of the law supplied them with the means of infusing into the national jurisprudence some portion of that more exact knowledge of right and wrong, of that Christian charity and republican equality, which education had not yet disclosed to their lay contemporaries.

“A foolish priest of Kent,” says Froissart, “called John Ball, had preached to the peasants, ‘that in the beginning of the world there were no bondmen, wherefore none ought to be bond without he did treason to his lord, as Lucifer did to God; but they were neither angels nor spirits, but men formed to the similitude of their lords;—why then should they be kept under like wild beasts? and why, if they laboured, should they have no wages?’

‘When Adam delved and Eve span,
Where was then the gentleman?’

This priest," continues Froissart, "was three times thrown into the archbishop's prison at Canterbury for his foolish words."* But the generous sentiments of natural equality are so deeply engraven on the human heart, and so inseparably blended with the dictates of reason and conscience, that no appeal to them can ever be wholly vain: their power over those who grievously suffer from their violation can never cease to be great.

An accident kindled the flame. The collector of the poll-tax had levied it with insolence in the house of a tiler of Dartford; and in order to ascertain the age of his beautiful daughter, on which her liability to the tax depended, offered intolerable indignities to the fair maiden. Her mother made an outcry which brought back the tiler to his cottage, who, incensed at the tax-gatherer, felled him to the ground. "The villeins and poor people" of Norfolk, Suffolk, Essex, Sussex, and other of the eastern counties, were roused by the cry of the men of Kent; and declaring that there should be no more bondmen, that they should be faithful to King Richard, but never endure a king named John (an arrow aimed at John of Gaunt), they assembled at Blackheath to the number of sixty thousand, and proceeded to enforce their counsels by an attack on London, where they succeeded in obtaining possession of the city, and put to death the chancellor and the primate as evil counsellors of the crown and cruel oppressors of the people. At this moment of victory, however, the demands of the serfs were moderate, and, except in one instance, just. They required the abolition of bondage, the liberty of buying and selling in fairs and markets, a general pardon, and the reduction of the rent of land to an equal rate. The last of these conditions was indeed unjust and absurd; but the first of them, though incapable of being carried into immediate execution without probably producing much

* Froissart (Berner's), p. 381.

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 V. justice on general grounds, as to make it excusable
 1381. in the sufferers to accept nothing less from their oppressors.

In reading what follows, it must not be forgotten that the partisans of Tyler had no historians. At an interview in Smithfield, between the King and Tyler, the writers of the victorious party tell us, that Tyler, while conversing with his youthful sovereign, was playing with his dagger, and seeming about to seize on the King's bridle, when Sir William Walworth, apprehending a mischievous purpose, plunged a short sword into Tyler's throat, who, falling to the ground, was despatched by Standish, one of the King's esquires. It would have been difficult for the calmest bystander to have ascertained the order and succession of minute circumstances in a transaction which must have passed in the twinkling of an eye. What the purposes of Tyler were; whether Walworth was too officious; whether the King's counsellors observed faith to those who showed them no mercy; are questions which must always remain doubtful. The revolt was soon after extinguished with the cruelty and bloodshed by which the masters of slaves seem generally anxious to prove that they are not of a race superior in any noble quality to the meanest of their bondmen. More than fifteen hundred wretches perished by the hand of the hangman. In one day Sir John Tresilian, the chief justice, caused nineteen to be hanged on the same gallows.

The new opinions in religion which now arose, mingled with the general spirit of Christianity in promoting emancipation, and had their share in the few disorders which accompanied it. Wickliffe, the celebrated reformer, had now become one of the most famous doctors of the English Church. His lettered education rendered him no stranger to the severity with which Dante and Chaucer had lashed the vices of the clergy, without

sparing the corruptions of the Roman See itself. His theological learning and mystical piety led him to reprobate the whole system of wealth and worldliness by which a blind bounty had destroyed the apostolical simplicity and primitive humility of the Christian religion. His dissent from opinions was chiefly regulated by their tendency to enrich, to aggrandise, and thereby to corrupt, the ministers of religion. Viewing doctrines from this point of view, he might occasionally fluctuate in his feelings or language respecting them, without being liable to any grave imputation of inconsistency. This temper, however, adds to the difficulty of ascertaining his opinions: necessarily progressive, they could not have been the same at every period of his life. It is possible, that if he sometimes yielded to authority, he might have been actuated more by sincere deference than by personal apprehension.

The principal points for which Wickliffe was condemned by a national synod under Archbishop Courtenay, were, 1st, His deviation from orthodox language respecting the presence of Christ in the sacrament of the altar; 2ndly, His doctrine, that a pope, bishop, or priest, who is in a state of mortal sin, has no authority over the faithful, and that his acts are null; 3rdly, His assertion, that Scripture prohibits ecclesiastics from having temporal possessions; and 4thly, That where contrition is sincere, confession to a priest is useless. His opinion respecting the Lord's Supper is supposed to have nearly resembled that of Luther and his immediate followers. It is easy to see that unless he drew a distinction between morality and law, his denial of the lawful authority of vicious superiors must have been dangerous to civil as well as spiritual power. But it must on the other hand be allowed, that his warm popular language against a corrupt clergy was liable to be misrepresented, and that positions laid down *morally* by him might very easily be imputed to him in a *legal*

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- CHAP. sense. By taking advantage of unguarded or doubtful
 V. expressions, it was not hard for power, armed with
 1382. sophistry and casuistry, to perplex his judgment and
 betray him into concessions which he might after-
 wards withdraw, not so much because they were false,
 as because their language might give just offence to
 weaker brethren, or lead them into dangerous error.
1384. This celebrated reformer died at his parsonage of Lut-
 terworth; but his doctrines, or rather his spirit, sur-
 vived him; and, however his successors might vary
 from him in their exposition of mysterious dogmas,
 they owed to him the example of an open attack
 by a learned clergyman upon the authority of the
 Church and the jurisdiction of the Supreme Pontiff.
 Payne, one of his disciples, carried his system into
 Bohemia, where it flourished in spite of persecution,
 till it was lost in the broad stream of the Reformation.

The reception of the doctrines of the "Lollards" (for so they were called) shows plainly that the soil had been prepared for the seed. At the dawn of history, we discover some simple Christians in the valleys of the Alps, where they still exist under the ancient name of Waldenses, who by the light of the New Testament saw the extraordinary contrast between the purity of primitive times and the vices of the gorgeous and imperial hierarchy which surrounded them. They were not so much distinguished from others by opinions, as by the pursuit of a more innocent and severe life. Another body of men, apparently much more numerous, acquired dominion, and numbered sovereigns among their followers, in the French provinces south of the Loire. They were called Albigenses, and appear to have been composed of the remnants of separatists from the Eastern Church who had been driven by persecution into the West. They combined in general the mystic piety and austere purity of the Waldenses, with their hostility to a rich and powerful

establishment; but added many of the unpopular opinions of the Manichæans, from whom they were descended, and in some instances slid from the pure doctrine of the mental nature of all religion and virtue into the licentious and monstrous notion of the indifference of outward actions.

After the suppression of the insurgents, John of Gaunt, who was the most obnoxious to them, was re-instated in the government with the amplest marks of royal grace and favour; and, under his influence, the King not only revoked the letters of manumission, which were beyond his power, but even the general pardon, which was undoubtedly within his competence, substituting professions of clemency and acts of grace to particular towns. A legal massacre the most dreadful ensued. It is thus that the insurrections of slaves, of all wars generally the most provoked, are usually treated by their victorious masters, who consider the serfs as inferior beings, in whom it is the height of presumption to expect any share of the sad privileges of the vanquished in civil war. The administration of old John of Gaunt, "time-honoured Lancaster," was as little characterised by the experience of age as by the spirit of youth. He still suffered the useless hostilities with France and Scotland to linger. In the meantime he seems to have been chiefly occupied with the visionary pursuit of the crown of Castile, which he claimed in right of his wife, the daughter of "Peter the Cruel;" and after two ineffectual campaigns, returned defeated to Gascony. During his long absence, which lasted about two years, the state of the court and country became such as to demand the presence of the first prince of the blood.

The management of the King, in years of full age for the crown, but perpetually disqualified for government by want of decision and firmness, was now disputed between his uncles the dukes of York and Gloucester,

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and De la Pole and De Vere, two minions of Anglo-Norman race, of whom the former had been created earl of Suffolk, and the latter raised to the invidious dignity of duke of Ireland. The duke of Gloucester excited a parliamentary prosecution against De la Pole. Richard made a feeble attempt to save his favourite. The parliamentary commissioners darkly reminded the King of the fate of Edward the Second. Not satisfied with the ignominious expulsion of De la Pole from office, the commons impeached him for high crimes and misdemeanours, of which the principal consisted in obtaining undue grants of the royal demesne, and in putting the great seal to illegal pardons. In this first conspicuous exercise of the formidable power of the commons to proceed against public officers before the house of lords for such injurious mal-administration or evil counsel as were not punishable in the ordinary course of law, the formalities were by no means disregarded. After a long hearing, the chancellor was acquitted of some charges, convicted of others, and sentenced to pay a suitable fine. Soon after, the King was prevailed on to vest the government substantially in the hands of eleven commissioners, at the head of whom was his uncle Gloucester. The experiments of a similar nature in the reigns of John, of Henry the Third, and of Edward the Second, had familiarised the barons to daring measures, especially under the feeble reign of a stripling, who was actually, though he could never be regarded by law, as in a state of minority. The right of parliament to advise the crown in all public concerns was an inherent principle of the constitution, then probably, as now, recognised in the writ of summons calling it together; and it seemed to be a natural inference from this legal right, that it had a moral claim on the King to treat their counsels as of more weight and authority than either his own personal inclination or the suggestions of private counsellors.

The early exertions, however, of parliamentary privilege were so much influenced by ambition and violence, as to have been accounted little more than fortunate usurpations. Richard soon found that his court was deserted for that of the distributors of favour: De Vere and De la Pole, with Tresilian the chief justice, and a few prelates, were the chief adherents who clung to him. Holding a council at Nottingham, at which the judges attended, he asked them whether the commission of government was legal, who thereupon certified under their hands and seals that it was illegal, and that all who promoted it were guilty of high treason. It has seldom happened that judges have delivered an irregular and extrajudicial opinion, pronouncing an established government to be a usurpation; proclaiming that the King, who seemed to assent to it, had been under force and fear; and declaring acts to be treason, which were no more deserving the appellation of criminal than those by which the Great Charter itself had been obtained and preserved. Returning soon after to London, the King learnt that his uncle Gloucester was marching at the head of forty thousand men. Upon an appeal (or accusation by a private individual to obtain redress for personal wrong arising from a crime) by that prince against the archbishop of York, the duke of Ireland, the earl of Suffolk, the chief justice, and the lord mayor, the parliament condemned these persons to the death of traitors. De Vere escaped to Holland, where he expired four years after: De la Pole died at Paris the same year: the archbishop was suffered to linger out his old age as a Flemish curate: Tresilian, odious for his bloody circuit, and Brembre, perhaps because he was mayor of the capital, were put to death. The chronicler* ascribes the apprehension of Tresilian to the petty-fogging stratagem of hiding himself in an apothecary's

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* Knighton.

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house near Westminster, in order to gather early tidings of the parliament: a servant, who was thus placed too near temptation, betrayed him. Gloucester brought him before the parliament, and the same evening he was hanged at Tyburn. The other judges, who had subscribed the bold opinion, were capitally convicted; but by the intercession of the Queen and the bishops were committed for life to Irish prisons. Black, who had drawn up the questions, and Usk, appointed undersheriff to arrest the duke of Gloucester, were condemned and executed.

The King now found means to loosen the fetters which Gloucester had fastened on him. He removed Archbishop Arundel, a creature of his uncle, from the office of chancellor, and gave the great seal to William of Wickham, bishop of Winchester. He notified by proclamation that he had taken the government of the kingdom into his own hands. On the death of the "good Queen Anne," he found himself in sufficient security for a journey to Ireland; and soon after espoused Isabella, a princess of France, then in the seventh year of her age; which contributed to an armistice with that kingdom for twenty-five years. The King seized this period of calm to execute those projects of vengeance which he had long harboured against his uncle, Thomas of Woodstock, duke of Gloucester, a prince who had neither used the licence of civil war with moderation, nor shown much forbearance to his royal kinsman. The duke accordingly, with the earls of Warwick and Arundel, was appealed for treason; the former being sent prisoner to Calais, and the two earls committed to the Tower. At the next parliament, all the acts in which Gloucester had taken a share were annulled, the commission of government cancelled, the opinions of the judges declared to be legal, and the judgment against Michael de la Pole reversed. The archbishop of Canterbury and the earl of Arundel being both convicted

of high treason, the former was banished, and the latter beheaded on Tower-hill.

The intrigues and violent changes of administration under Richard were such as it might have defied the eye and pencil of the most refined inmate of a court to trace. To us, who see only the surface in a monkish annalist or a legal instrument, these occurrences are almost unintelligible. Among them, there is none perhaps so barbarous and so mysterious as the murder of the duke of Gloucester, the fourth son of Edward the Third, who, during the continental expeditions of John of Gaunt, had the principal share of the administration, and had expelled very harshly the favourites of Richard. He appears to have been supported in his most doubtful measures by the royal family. An ambitious and encroaching spirit might have justly provoked them: they might have been naturally weary of his domination: an exertion to deliver themselves and their sovereign from an imperious master might have been justifiable; but an active share in proscribing a man for co-operating in their own measures, at least deprives their part in his condemnation of all pretension to the character of historical or moral evidence of guilt. The imprisonment of Gloucester, with the assent of the dukes of Lancaster and York and the earl of Derby, was announced to the public by royal proclamations, apparently issued to allay the alarm which so important an arrest had spread. Unusual stratagems had been employed to lure him into the hands of his enemies. The King himself at last, at the head of a small force, went to the castle of Plashy, where his uncle resided, after the family had retired to rest. Gloucester was persuaded to accompany his nephew on pretence of urgent business. The King lulled all suspicion or apprehension by the gaiety of his conversation with the duchess. Shortly after, however, when the duke was at a sufficient distance from his castle, he was dragged into a boat, which deposited him

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at Calais; where all our farther authentic information respecting him would probably have ended, if the policy of a new government had not led to the disclosure of circumstances indicating the perpetration of one of the foulest of murders. A writ was issued to the governor of Calais, commanding him to bring the body of his prisoner, the duke of Gloucester, before the King in parliament, to answer an appeal of treason against him. To this a return was made by the governor, that the prisoner had died in custody. His body was granted to his widow, to be interred with the due honours: masses were appointed to be performed for his soul; and the parliament seems to have been contented with an account of his death, more summary and vague than would have been required in the case of the humblest subject. "As I was informed," says Froissart, "when he had dined, and was about to have washen his hands, there came into the chamber four men, and cast suddenly a towel about the duke's neck, and drew so sore that he fell to the earth, and so they strangled him, and closed his eyes; and when he was dead they despoiled him, and bare him to his bed, and laid him between the sheets naked, and then they issued out of the chamber into the hall, and said openly how a palsy had taken the duke of Gloucester, and so he died. These words were abroad in the town of Calais: some believed them, some not." At a subsequent period, however, it appeared that Sir William Rikhill, a judge of the common pleas, had been secretly sent to Calais, shortly after the imprisonment of Gloucester, with written orders from the King, directing him "to do there whatever the earl marshal should enjoin." On his arrival, the earl delivered another writ, commanding Rikhill to examine the duke, and to report the result of the communication to the King. Rikhill observed to the earl, that the death of the duke had already been notified to all the people, as well in England as at Calais, in

language and with a tone which seemed to indicate that the rumour had been industriously spread by those who were about to convert it into a fact. The judge, however, saw Gloucester. He attempted to visit him at the prisoner's desire, but was forbidden by the governor. He reported the contents of the examination. A confession, by Gloucester, purporting to have been secretly made to the confidential agent of his enemies, could not go far to satisfy as to his guilt. But as it admitted only notorious acts done in full and open parliament, obeyed by the whole kingdom, and in which his accusers were as guilty as he, there seems no reason that he should have disavowed them, though his enemies now called them treason. Rikhill complained that it was a hardship to represent him as a justice, in a case where he acted solely as a messenger. From this last complaint, joined to the dark language of the King's first mandate, to the equally seasonable and sudden death of Gloucester, and to the silence with which the brief return was allowed to pass without the least information, it may seem not improbable that this judge prostituted his character by taking part in a midnight trial; in which an avowal of the facts having been obtained, by whatever means, the governor of Calais might have considered himself warranted to inflict death on a dangerous criminal in the mode most conducive to public tranquillity.

There are few instances in history of a deadly hatred, hoarded for eleven years by a gay and convivial youth, hidden from the victim under the disguise of smiles and caresses, and at length gratified with more falsehood, treachery, inhumanity, and a grosser breach of the substance of justice, than is exhibited in the murder of the duke of Gloucester. The condition of the ordinary justice of an age may be easily imagined, where such a disappearance of a prince of the blood, and such an insolent

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withholding of information respecting it, could have been endured by an assembly representing a nation.

The court now endeavoured to consolidate its union with the princes. John of Gaunt was propitiated by the recognition of the legitimacy of his children by Catharine Swinford (the sister-in-law of Chaucer), for all purposes but that of succession to the crown. His son, the earl of Derby, was created duke of Hereford, and soon after succeeded his father as chief of the Lancastrian party, which, under more than one family of that title, had, since Henry the Third, constituted the strength of the baronial power.

Elated with these successes, Richard, with the wantonness and giddiness which characterise tyrannical youth, "began," says Froissart, "to reign more fiercely than before." Because a knight belonging to the duke of Gloucester had spoken against him, he was taken and beheaded. "In those days there was none so great in England that durst speak against any thing that the King did; he had counsel meet for his appetite, who exhorted him to do what he list: he still kept in his wages ten thousand archers, who waited on him day and night, for he reputed himself not sure of his uncle."* A general murmur now prevailed against the late parliament, as not having been freely chosen; as managed by the minions of the court; as having, in contempt of faith and mercy, revoked pardons, and confiscated property; as having imposed intolerable taxes and connived at illegal exactions; as having been a party to the infamous impunity of the murderers of Gloucester; finally, as abetting the purpose of the King to rule the kingdom according to the counsels of obscure and unworthy favourites. These discontents, also, agitated the greater nobility. Two of the most considerable were Henry of Lancaster, duke of Hereford, and Thomas Mowbray, duke of Norfolk, who, though equally impatient of the

* Froissart (Berner's), vol. ii. p. 227.

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rule of upstarts, were not likely to have imbibed much confidence in each other from the endless and countless changes which prevailed around them, and in which they had both been actors. Riding from Windsor to Brentford, these lords were conversing on the general topic of the King's bad government. Mowbray observed, "We are about to be ruined." Henry asked, "For what?" "For the affair of Radcot bridge," answered Mowbray. "How can that be, after a pardon?" replied Henry. "As easily," says Mowbray, "as he has recalled the pardons granted to others." The duke of Norfolk at last said that Richard had broken all his oaths.

How this conversation transpired does not appear; perhaps from the fear of each that the other might anticipate the discovery. Hereford complained to the King that Norfolk had falsely charged him with having uttered these scandalous words. The appeal was before parliament at Shrewsbury. A few days afterwards Norfolk retorted the charge at Oswestry. The decision was referred to the judgment of God. A magnificent theatre was erected near Coventry, where the truth of these accusations was to be tried by single combat. Some of Richard's friends expostulated with him on the danger of such contests between his great lords and the princes of his family. "Why should they not fight?" said Richard. "Some of my blood have made treaties together against me, and the most principal of them was the duke of Gloucester; for in all England there was not a worse head against me than he. Now I shall have peace from henceforwards."* On the day of battle, however, he declared against exposing two lords so near him in blood to the perils of duel; and as the natural sovereign of both, by special grace took the battle into his own hands. He then declared it to be his royal pleasure, for the peace of the King and kingdom, that Henry of Lancaster should avoid the realm

* Froissart (Berner's), vol. ii. p. 228.

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for ten years, under pain of death in case of disobedience; and that Mowbray, having confessed some charges at Windsor which he had afterwards denied at Oswestry, should be banished the kingdom for the term of his natural life; that he should dwell in Germany, Bohemia, or Hungary, or go an expedition to the Holy Land, but should not come to nearer parts of Christendom under pain of treason. The king had now obtained his object of destroying all whom he feared. His power was more nearly absolute than that of any prince who had governed England. On the death of John of Gaunt, which followed not long after, the crown claimed his immense estates, which the crown lawyers represented Hereford as incapable of inheriting after the judgment pronounced against him in parliament.

Thus at leisure from domestic cares, Richard undertook one of his splendid expeditions against Ireland, more remarkable for the courtiers who followed in his train, than for the valour and discipline of his soldiery. Hereford, become duke of Lancaster, took advantage of his absence to return to England. Solicited by the discontented lords, well informed of the alienation of the nation, he left Paris, and landed at Ravenspur, in Holderness, where he was immediately joined by the martial lords of the northern border, the earls of Northumberland and Westmoreland, with such bands of followers as within a few days swelled the numbers of his army to sixty thousand men. The duke of York, the regent, was obliged to abandon the capital. Neither he nor his council were able to bring or hold together an army. The soldiers refused to draw their swords against a prince who sought not the crown, but the restoration of his inheritance. The regent himself, despairing of the king's fortunes, and probably not without resentments of his own, went over to Lancaster, who still appeared only a champion for public liberty and a just suitor for his legitimate patrimony. The

latter was received every where with acclamation. His march from London against the few advisers of Richard who had forfeited the hope of mercy was a triumphant procession. The King surrendered the castle of Bristol where they had taken refuge; but the cries of the populace incited Lancaster to bring Lord Scroop, Bussy, and Green, the most hated among them, to an immediate trial before a court military. Their sentence was death as traitors. The duke of York having thus embroiled his hands in the blood of his late colleagues, cutting off his own retreat, he bound his fortunes to those of his ambitious and politic nephew. Thus a universal defection broke out, in the midst of that general submission and even professed attachment which often lulls bad rulers into a fatal supineness, till the moment when the shock of some successful resistance or some unwonted excess reveals each man's feelings to his neighbours, melting into one mass of revolution all the various and jarring emotions of contempt and hatred, discontent and hope, which bad government fosters in the hearts of a people.

For three critical weeks Richard remained in Ireland, ignorant of the extraordinary revolution which had destroyed his authority at home. The tidings overwhelmed him. But it was resolved that Lord Salisbury should repair forthwith to North Wales, while the King should make the necessary preparations for disembarking at Milford Haven. He lingered however in Ireland eighteen days longer. During this interval Salisbury was deserted by his disheartened and impatient followers. Richard, on landing, went in disguise to Conway, to concert measures with his general, whom, however, he found with only a few faithful followers, who had thrown themselves into the noble castle there. Meanwhile the leaders of the army at Milford Haven, influenced by despondency, and probably by disaffection, disbanded their troops. Thomas Percy, earl of Wor-

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chester, the lord steward, broke his white staff, as a token that all authority derived from Richard's commission had expired. At the same time, the King, learning the decisive events at Bristol, and the surrender of all the fortresses on the Scottish frontier to Henry, shut himself up in Conway Castle. It became Henry's policy to show a semblance of negotiation, to lure Richard from his fastness. The earl of Northumberland accordingly was despatched with a thousand men, secretly posted at some distance, that their appearance might not alarm the fugitive monarch. Northumberland represented that Henry would be content with a free parliament, pardon, and restoration of inheritance, together with the hereditary office of chief justiciary for himself, and condign punishment on the murderers of Gloucester, and all their aiders and abettors. After solemn assurances of safety, ratified by Northumberland's oath, Richard consented to accompany that nobleman to an interview with Lancaster. On his journey, however, he suddenly caught a glance of the soldiers placed in ambush on the road. He expostulated. Northumberland told him it was only a guard of honour. The King claimed his liberty. Percy, now his confessed gaoler, avowed that the King was his prisoner. At the interview, Lancaster entered the apartment uncovered, bending his knee for the last time to his royal captive. "Fair cousin of Lancaster," said Richard, uncovering himself, "you are welcome!"—"My lord," answered Henry, "I am come before my time; but your people complain that they have been governed too rigorously for twenty years. If it please God, I will help you to govern them better."—"Fair cousin," replied the other, for the last time performing the part of King, "since it pleaseth you, it pleaseth me well." He was brought prisoner to Chester, where he was made to issue a proclamation for preserving the peace, and writs for calling together a parliament. On

his arrival in London, he was lodged for one night in his palace, but on the next he was removed to the Tower, there to continue a close prisoner until parliament should pronounce judgment in his case.

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The revolution which followed, though accomplished by a national revolt against misrule, becomes, nevertheless, a memorable event in our constitutional history; and a satisfactory proof of the opinion of our ancestors respecting their government, from the elaborate care which they employed in clothing their proceedings with constitutional forms, and in regulating, by the principles of law, acts which are the least subject to its ordinary jurisdiction.

On an appointed day a deputation of lords and commons, consisting of an archbishop, the earls of Northumberland and Westmoreland, Thyrning and Markham, justices, Stowe and Burbage, doctors of laws, with many other ecclesiastics and laymen, waited on the King; and having reminded him of his declaration in Conway Castle of his unfitness for government and readiness to resign, proceeded to request that he would embody this in a legal form. He accordingly read aloud, say the reporters, "with a cheerful countenance," a renunciation of the crown, absolving all his subjects from homage and fealty:—"I confess, recognise, and from certain knowledge conscientiously declare, that I consider myself to have been, and to be, insufficient for the government of this kingdom, and for my notorious demerits not undeserving of deposition." * He added, that if he had had the power to nominate a successor, he should have placed his cousin Henry duke of Lancaster on the throne. Not willing, however, to rest the legitimacy of the revolution upon a compulsory resignation, the estates of parliament assembled in Westminster Hall; where the above acknowledgment and renunciation having been read over in English and in Latin,

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* Rot. Parl., vol. iii. p. 416.

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was once more ratified by the lords and commons, amidst the applauses of the multitude assembled in that great hall. Still farther to show them the deep foundations of national right, they received thirty-two articles of impeachment against the King; and having unanimously convicted him of the charges, which contain a recital of the principal acts of his reign, they then proceeded, "out of superabundant caution," to add a formal deposition to the apparently voluntary abdication. In all these bold measures they rigorously observed the usage of parliament and the formalities of law. On the second day, the duke of Lancaster was placed in his seat at the head of the nobility, but the throne was vacant. At the moment, however, of the sentence of deposition, the duke of Lancaster claimed the throne, that no violence might be done to the startling metaphor of an immortal king; by which our laws express the simple fact, that when the supreme authority is extinguished by the death of one man, the law makes provision for its instantaneous revival in the person of another. The claim of Henry was framed so as to include a false assertion of hereditary right, without surrendering its true foundation in the consent of parliament and the misgovernment of his predecessor. "In the name of God the Father, Son, and Holy Ghost, I, Henry of Lancaster, challenge this realm of England, because I am descended by right line of blood from the good lord king Henry Third.* The which realm was on the point to be undone for default of government, and undoing of the good laws." The new king was then seated on the throne.

It seems unaccountable that, in a country where the government was established on the basis of such a deposition, it should ever have been thought doubtful

* Edmund earl of Lancaster, the maternal ancestor of Henry, is represented by that prince, without even a pretence of proof, as in truth the elder brother of Edward I.

whether political power was held in trust or as property. No confusion could well have arisen if the moral character of this revolution had been carefully distinguished from its constitutional principles. To try the latter, we must suppose, for the sake of argument, the truth of the matters charged against the King. It is only thus that we can try its legitimacy, or ascertain from it the constitutional opinion of the fourteenth century. If it had been unsuspected of ambition, if no crime had subsequently tarnished its fame, its justice at least must have been unanimously owned. However wise or convenient it may be to exempt kings from criminal proceedings, which generally shake society to its centre without the likelihood of their being ever conducted with calmness and impartiality, it cannot be imagined that an inferior criminality in the acts of kings forms any part of the reason for exempting them from animadversion. A royal conspiracy against the liberty of the people is at least as heinous an offence as a conspiracy of subjects against the authority of their sovereign. Of such a conspiracy there is no pretence for acquitting Richard; nor can it be doubted, that he united an irascible temper with deep, lasting, and watchful revenge. These dark qualities are odiously blended in his character with the lighter defects and better humoured vices, and served in ordinary times to hide the infernal disposition which broke out as soon as an opportunity of revenge presented itself.*

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* The account of Richard the Second's escape into Scotland, where he is said to have resided twenty years, has lately been revised with such ingenuity by Mr. Fraser Tytler, in his valuable work on Scottish history, as to require a short statement of my reasons for adhering to the common narrative. The new evidence adduced by Mr. Tytler consists in charges made by the

regent of Scotland for the maintenance of the king of England. My reasons are:

I. A long-continued fraud of this sort is with difficulty supposable, even in the case of a prince known only in his infancy within the narrow circle of a court, and produced to the public after an interval of many years. But what room for doubt could have existed respecting

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Richard at the time of his deposition, after a reign of twenty-two years, in which his reign was perfectly known to the nobility and people of France, Scotland and Ireland, as well as England?

II. The declaration of Scroop, archbishop of York, that Richard had been put to death at Pontefract, published within a few miles of the place, and within about two years of the time, is evidence which, being then uncontradicted, is to us of the highest order.

III. The government of Scotland supported the revolts of the Percies and Owen Glendower. Could that government have omitted all mention in their public acts of their being the friends and allies of the lawful king of England?

IV. The earl of Northumberland, who was beheaded in 1406, took refuge in Scotland, and was long sheltered there. Is it credible that he should not have ascertained beyond all doubt whether his late master was alive in that country?

V. Isabella of France, who had been affianced to Richard in her infancy, married Charles, duke of Orleans, in 1406, and died in child-bed in 1409;—a tolerable presumption that her family had sufficient assurance of Richard's death, twelve years before the time assigned for it by the Scotch tradition.

VI. An intercepted letter from Northumberland to the duke of Orleans in 1405 is still extant (*Rot. Parl.*, vol. iii. p. 605.), in which that nobleman declared his object to be “to maintain the right of my sovereign lord King Richard, if he be alive, and if he be dead, to avenge his death.” Was it possible that

Northumberland could then really be in that state of doubt which his language intimates? His letter on the contrary seems to me to manifest his certain knowledge of the king's death, consistently with his own manifesto and Scroop's accusation; which did not, however, hinder him from endeavouring to show that he had a good cause of war on every possible supposition; and that his enterprise was not unlawful, whatever rumours of the king's life or death might be credited. If any person still cherished a belief of Richard's being yet alive, it was a cheap courtesy to them to mention the restoration as, in that alternative, his object. If Northumberland had thought that Richard was still living, he could not have decently proposed the alternative, were he so disposed.

No doubt can be entertained that Richard was at first believed to be alive in Scotland. That a man who was called Richard was represented as living there at the accession of Henry the Sixth is apparent from Rymer. That he originally personated the king of that name, and deceived some persons, is also probable. But, besides other difficulties, it may be concluded, from the total absence of minute and circumstantial statement of the manner of escape, of the place of residence, and of all other smaller facts, of which there could not fail to be some remaining intimation if the person were the true Richard, that he was soon detected, though the name or nickname of King Richard may have afterwards been applied to him.

intelligible, without premising a short sketch of the state of the royal family at the deposition of Richard. That prince left no issue by his first queen, Anne of Luxembourg, and the extreme childhood of the infant princess of France to whom he was affianced had not allowed him to complete his nuptials. Had the crown followed the course of hereditary succession, it would have devolved on the posterity of Lionel, duke of Clarence, the second son of Edward the Third. By the decease of the latter without issue male, his possessions and pretensions fell to his daughter Philippa, who, by a singular combination of circumstances, had married Roger Mortimer, earl of March, the male representative of the powerful baron who had been attainted and executed for the murder of Edward the Second. The son of that powerful delinquent had been restored to his honours and estates at an advanced period in the reign of Edward the Third, long after the violence of his father and brother's enemies had subsided. Edmund, his grandson, had espoused Philippa of Clarence. Roger Mortimer, the fourth in descent from the regicide, had been lord lieutenant of Ireland, and considered, or, according to some writers, declared, to be heir of the crown in the early part of Richard's reign. Edmund Mortimer, earl of March, in whom the hereditary claim to the crown was vested at the deposition of Richard, was then only a boy of ten years of age. Educated from childhood in a mild and honourable prison at Windsor, he faithfully served the Lancastrian princes till his death, which took place in the third year of Henry the Sixth. Dying without issue, the pretensions to the crown, which he inherited through the duke of Clarence, devolved on his sister Anne Mortimer, who espoused Richard of York, earl of Cambridge, the grandson of Edward the Third, by his fourth son Edmund of Langley, duke of York. But it is obvious from the above brief pedigree, that

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HENRY THE FOURTH, the grandson of Edward the Third by his third son, could have no such pretension; and he betrays his consciousness of the infirmity of his title by the false assertion on which he laboured to engraft his claim. But he was a man of capacity and vigour, at the head of an army, the chief of the Baronial party, and the heir of the fame and possessions of John of Gaunt. He was the idol of the populace, and the master of the parliament. Thus circumstanced, who could have ventured to dispute his accession, even if the earl of March had had the power, or the house of York the right, to contest his title?

The first acts of Henry manifested the policy with which he linked his accession with the resistance to misgovernment in the late reign, and gave some earnest of that popular and parliamentary spirit which, if it did not always distinguish the measures of the house of Lancaster, was generally their avowed principle, and formed indeed their only substantial ground against the doctrines of indefeasible succession and divine right, which afterwards encouraged the Yorkists to style the three Henries of Lancaster "actually but not rightfully kings of England."

The first parliament of this reign reversed the attainder of those who had revolted against Richard, confirmed and renewed the severities adopted against that monarch's ministers and judges, and condemned, as subversive of the constitution, all the maxims by which his encroachments were vindicated. Henry of Monmouth, the King's eldest son, was created prince of Wales, as an indirect mode of recognising his father's title. The lords, who by "appealing" Gloucester had facilitated his murder, were moderately punished by the forfeiture of that part

of their dignities and estates which had been granted to them as the price of blood.

The political character of the permanent laws passed in Henry's first parliament is praiseworthy. They prohibit the distribution of "liveries," by which the barons covered the country with the badges of their adherents, exposing the public peace to constant disturbance. They annul grants of land by letters patent, without title in the crown. The issue of such grants had been a frequent practice of the deposed government. "And whereas," says this parliament, "divers pains of treason were ordained by statute in the twenty-first year of king Richard, insomuch that no man did know how he ought to behave himself, to do, speak, or say, for doubt of such pains; it is accorded that in time to come no treason shall be judged otherwise than as it was ordained by the statute in the time of his noble grandfather king Edward the Third."* So much had experience already begun to endear that statute to the nation. Appeals in parliament, the murderous weapons used by both parties against each other in the last reign, were prohibited; an act which dried up an abundant source of disorder and injustice. This assembly also manifested knowledge and judgment beyond their age, in confirming a statute of Richard for the protection of aliens bringing provisions into the kingdom, with which the fishmongers of London, to secure a monopoly in the markets of the capital, had bribed that needy and short-sighted prince to dispense. It has seldom happened that the same preference of consumers, who are the community, over producers, who are only a part of it, has guided the deliberation of the legislature; to say nothing of the superiority to prejudice shown in dealing liberally with foreigners, and in a clear discernment of the reciprocal advantages of commercial intercourse.

In the perusal of our ancient history, it is our painful

* Stat. 25 Ed. III.

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lot to see dark spots often tarnishing those periods in which the public principles and measures of our forefathers shine forth with a lustre which might not infrequently shame their descendants. In competitions for the crown, no deed which was deemed necessary was regarded as unlawful. It required, perhaps, a longer experience, more reflecting minds, and more moderated passions, to see that crimes cannot be useful; and that the example of one murdered rival, though for a moment it removes an enemy, may open a thousand sources of disorder and mischief. In consequence of a message from the King, desiring their advice how to preserve the life of Richard with safety to the quiet of the nation, the parliament formed themselves into a secret committee, in which it was proposed and agreed to advise Henry, "that the late king should be placed in sure ward, in a place not resorted to by any concourse of people; that he should there be watched by trustworthy guardians; that none of his familiar friends should be admitted to his person; and that the whole of this transaction should be conducted with all attainable secrecy."* To this mysterious and ambiguous instrument, counselling a secrecy of imprisonment incompatible with the safety of the prisoner, were affixed the names of fifteen bishops, seven mitred abbots, eight who might be called "magnates," twenty-six barons, and nine who might perhaps be termed gentry. Among them was that of the duke of York, the uncle of Richard, who had been regent for him two years before; and Henry was not ashamed to place the name of the prince of Wales at the head of a band who had thus entrusted his predecessor to his mere humanity, without the possibility of any effectual precaution against the worst purpose which he might harbour. It was soon after determined in parliament, that Richard, late king of England, be adjudged

* Rot. Parl., vol. iii. p. 426.

to perpetual imprisonment, there to remain in safe ward secretly, in the manner above mentioned." *

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That so important and dangerous a prisoner, confined so that it was impossible for any, but by the permission of those who had an interest in his destruction, even to know where he was imprisoned, should soon after have disappeared and be believed to have died without any enquiry into his death, or even relation of its circumstances by the government which dispossessed him, might of itself, with little direct testimony, be regarded as sufficient proof of his murder. "Every man," says Froissart, "might well consider that he should never come out of prison alive." The same lively writer informs us, that "how Richard died, and by what means, I could not tell when I wrote this chronicle."† The deposed king's fate seems, however, to have been hastened by a conspiracy for his restoration. The lords who had "appealed" Gloucester of treason, at the head of whom were the earl of Rutland, eldest son of the duke of York, and the earls of Huntingdon and Kent, maternal brothers of Richard, subscribed an indenture, by which they bound themselves to this enterprise. Huntingdon and Kent invited Henry to a joust at Oxford; where, in the midst of the sport, they were to place soldiers in ambush, ready at a signal to rush on him and put him to death. Rutland, in the mean time, waited on his father, who, accidentally spying a paper of suspicious appearance in the possession of his son, desired to see it. Rutland's refusal stimulating his father's curiosity, the

* It is observable that these being considered as *judicial* proceedings, the commons were held not to be parties to them. But at the very moment of this partial exclusion, nothing can be more ample than the acknowledgment by the king and lords that the commons possessed equal rights of taxation, in legislation, and of

counsel to the crown.—"Sauve qu'en estatuts à fairez, ou en grants et subsides, ou tiels choses à fairez per commun profit du royaume, le roi voet avoir especialement leur advis et assent."—Rot. Parl., vol. iii. p. 427.

† Froissart (Berner's), vol. ii. p. 249.

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latter snatched it, and threatened to lay it before the king. The son, smitten by fear, or, as himself said, by conscience, hastened to Windsor to betray the plot. The King not arriving at Oxford, and there being no tidings of Rutland, the confederates precipitately brought together such troops as could be found, and marched northward, with the declared purpose of delivering Richard, who had been removed from Leeds Castle in Kent to Pomfret Castle in Yorkshire. At Cirencester, however, they were overtaken and completely defeated in a night attack by the inhabitants of the town, who beheaded the earls of Kent and Salisbury. Lords Lumley and Le Despencer met the same fate from the people of Bristol. The earl of Huntingdon was put to death by Gloucester's tenants, at Plashy, in revenge for the murder of their lord.

The death of Richard seems to have immediately followed this unsuccessful rebellion, without which it cannot be positively affirmed that his destruction would have been accounted necessary at the time. The period, the means, and the circumstances are involved in tragic darkness: not a thought of inquest was allowed to be breathed. It is ascribed by some to a scene of violence, in which a certain Sir Piers d'Exton acted as the destroyer of the unfortunate though unworthy son and grandson of two great men. The more probable account, however, is, that he died of hunger; to which, according to some, he was condemned by the king, but which, if we may believe others, was a voluntary abstinence to which he was driven by despair. The learned poet*,

* Gray: The Bard.

The testimony of Scrope, archbishop of York, the nearest witness to the time and place of the murder, is so explicit, that I insert it:—"Regem Ricardum ad castrum de Pomfret deduxerunt, ubi breviter, ut vulgariter dicitur, quindecim dies et totidem noctes in fame, siti, ac

frigore vexaverunt, et tandem morte turpissima adhuc regno nostro incognitâ, sed gratia divina diutius non celanda interemerunt et occiderunt." —Art. Ric. de Scrope contra Hen. IV. Whart. Ang. Sac. ii.

As Scrope was beheaded at York in June 1405 for his share in the Percy revolt, of which the above

whose power of language sinks under the description of a cruelty so fiendish, has thrown the weight of his authority as an historical enquirer into the scale of a murder by compulsory abstinence from food. The body was carried to London, and exhibited to the people with the lower part of the face uncovered, to remove doubts as to identity. Henry attended the obsequies at St. Paul's. The corpse was interred at Langley, but subsequently removed to the royal sepulchre at Westminster.

Notwithstanding the publicity of Richard's funeral, rumours that he was still alive in Scotland disquieted the early years of Henry's reign. One Maudlein, who had served in Richard's household, Sir Roger Clarendon, and several priests, were executed for spreading this dangerous rumour, of which all men disaffected to government were prompt to avail themselves. The Percies, who had enthroned Henry, after one of their most triumphant inroads into Scotland, began to be dissatisfied with the administration of a king on whom they had conferred benefits so heavy, as rather to mortify his pride and awaken his fears, than command his gratitude. They took up arms against him, supported by a body of Scotch under Earl Douglas, and not a little encouraged by the various rumours regarding the late king's fate, distracting and disheartening to the adherents of Henry; publishing a defiance, in which they charged the latter with having put Richard to death by

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articles were intended to be the manifesto, he must be considered as a contemporary witness who had the best information. I do not, with some modern writers, understand the words "as is commonly said" as a qualification of all the circumstances, but as being limited only to the time in which the king was starved to death. The archbishop is so far from doubting the murder, that he pours out just invectives against its enormity, and

excommunicates Henry as the murderer. Thomas of Walsingham, who was also a contemporary, ascribes the death to famine, though he describes the abstinence to be voluntary. "*Semet extinxit inediâ voluntaria, ut fertur, apud castrum de Pontefracto die Sancti Valentini.*" The voluntary character of the abstinence seems to be the fact which the historian relates from general rumour. — *Cambd. Anglica*, p. 363.

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hunger and thirst protracted for fifteen days, and wherein they for the first time, in these contests, alluded to the formidable name of Mortimer, of which family only the hereditary claimant of the crown could be a member.

July 21.

In the battle of Shrewsbury, one of the most bloody actions in our history, the Percies were defeated, after a brilliant display of their characteristic valour: Lord Percy, with two hundred knights and five thousand soldiers, slain, on the side of the insurgents; and ten knights and sixteen hundred men on that of the king. Lord Percy, to whom interment was allowed, was afterwards dug up, in order that his quartered limbs might be exhibited in conspicuous places. Lord Worcester and two other gentlemen were beheaded on the field, and the head of the former fixed on London bridge. Northumberland himself, however, was mercifully treated by Henry. It appears from intercepted letters, that, before the battle, Percy had sent to the kings of France and Scotland to solicit their aid. In one to the duke of Orleans, he informs that prince that his object "is to maintain the just quarrel of my sovereign lord king Richard, if he be alive; and if he be dead, to avenge his death."*

The insurrection of the northern chiefs was kept up by the successful valour of Owen Glendower, a gallant gentleman of Wales, descended from the ancient British princes, who had been educated a lawyer in London, and had served the late king as one of the esquires of his household. He adhered to his unfortunate master till that prince's surrender had in effect released all followers. He had been engaged in a dispute about the boundaries of his lordship of Glendowrly, with lord Grey de Ruthyn, an Anglo-Norman, whose lordships were adjoining to his. Having been refused what he thought justice in the first parliament of Henry, he made lord Grey prisoner, and laid waste his barony.

* Rot. Parl., vol. iii. p. 605.

The revolt terminated in a general amnesty, from which were excepted, however, Owen of Glendowrdy, Rhys ap Tudor, and William ap Tudor. Welshmen were forbidden to reside in the towns of the marches, disabled from becoming citizens or burgesses, and rendered incapable of holding lands, and otherwise treated with great contempt and indignity. The spirit of Glendower was roused. The prophetic songs of Merlin once more resounded through his country in honour of a Welsh hero; and it was found necessary to prohibit by royal ordinance minstrels and bards from haunting the territories of Snowdon, where the remains of a national spirit still glowed.

Sir Edmund Mortimer, the uncle of the Lord March, was sent at the head of some troops against him. Glendower defeated and made him prisoner. Henry could not be persuaded to take measures for the ransom of a Mortimer; and the long confinement of that prince disposed him to be a partisan of the Welshman, to whose union with the Percies he is believed to have contributed.

The spirit of Glendower actuated the numerous classes of his countrymen, whom their various pursuits had now spread over England. The commons complained that the Welsh scholars who studied at Oxford and Cambridge had departed to their own country, to aid the rebellion; and that even the Welsh labourers, in every part of the country, having provided themselves with armour, bows, and other implements of war, had escaped to Wales, doubtless for rebellious purposes. The English writers tell us of the horrible indignities offered by Welsh women to the remains of the English soldiery. The fact, if it be true, is a signal mark of the odium in which the English administration was held; nor can such excesses ever be lawfully objected to the Wallaces and Glendowers, unless it could be maintained without absurdity, that uncivilised nations must not be roused

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for the defence of their most sacred rights, because they, in their just warfare, follow the usages as much as adopt the weapons of their age and nation. Such was the terror of Glendower's name, that his success was publicly attributed to necromancy. Under the title of prince of Wales, he sent ministers, with powers, dated at Dolgelly in the fourth year of his reign, to conclude an alliance with Charles of France. No one who has not diligently perused Henry's proclamations can adequately conceive the alarm created by the victories of the Welsh prince, who held his power by a more undisputed assent of his subjects than Henry himself could boast. Worst, if not defeated, by the mountaineers, the latter gave perhaps a stronger proof of apprehension, by raising to the new dignity of lord lieutenant of Wales his gallant son Henry of Monmouth, to whom he entrusted the conduct of the war. The young hero gained a victory over Glendower's son, at Grosmount, in Monmouthshire, soon after reducing the whole of South Wales. It is from accidental notices only that we discover those traces of the "unconquerable spirit" of this brave man, for which we look in vain in the writings of his ungrateful countrymen. Three months before the battle of Agincourt, Henry the Fifth commissioned his celebrated captain Sir Gilbert Talbot to treat with him, even then unconquered; and after that victory, such was either the generosity of the English monarch or the virtue of the Welsh chieftain, perhaps such was the effect of both qualities united, that the same illustrious officer was again empowered to make peace with Glendower and his adherents. It is consolatory to all lovers of their country to see the champion of his people thus preserve his dignity to the last. Many years afterwards the memory of the Welsh hero was still fresh in the minds of his enemies, however it might have been disregarded by his own thankless or broken-spirited people.

The position of Henry with respect to the succession

was difficult. It was evidently a point neither to be disregarded, nor to be needlessly forced into discussion, more especially as the union of the heiress of the house of Clarence with the head of the house of York had not then occurred. In the first parliament of this reign, when the King created his son prince of Wales, that youth was crowned, and recognised as heir apparent. Some years after, he ventured to touch this delicate spring again, by obtaining from parliament an acknowledgment that the succession to the crown would be vested in the prince's brothers, if he should himself die without heirs. This more extensive recognition of title in the house of Lancaster seems to have been a politic device for excluding the dreaded Mortimers, without betraying any apprehension of their title. The substitution of other names in the order of succession sufficiently excluded them without an explicit declaration to that effect. The revolution, considered in itself, might wear the semblance of a choice of Henry personally, unless it were followed by a provision for the succession of his son carrying with it an authority equal to that which had established himself. Females were passed over in silence, though the King had two daughters; probably with the double purpose of throwing a slur on the descent through females, through which alone the Mortimers could claim, and of making a new precedent for that right of parliament to alter the succession, which was the true and solid foundation of the pretensions of the Lancastrian house. Two years later, he made a farther step, by assenting to a petition of the commons for limiting the crown expressly to his sons and their heirs male. Shortly afterwards, however, whether from fear of weakening his pretensions to France by females, or apprehensive of the unforeseen mischiefs which might spring from interweaving an untried novelty with the Lancastrian succession, Henry returned to his original caution, and the last proceedings were cancelled; so that

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the statute-book now contains no traces of them, and they are only known to us by the rolls of parliament. The greatest historian* of modern times, in his account of this measure (in effect much resembling the settlement of the crown on the house of Hanover), has yielded to the temptation of a lively turn of expression, by calling it an attempt to introduce the salic law into England, a form under which it could not be grateful to the Lancastrian princes, who were now once more meditating its overthrow in France.

The last years of Henry were darkened by distemper, and not distinguished by vigour. Though his son had early showed his great capacity, yet it is probable that the popular tales of his youthful freaks, which have been preserved by the genius of the greatest of dramatists, are not wholly without foundation. Many aspiring youths before him have mixed pleasure with ambition. His father is said to have been jealous of him. Monstrelet relates that one day, when through illness insensible, he was displeased, on his recovery, at finding that the crown had been removed by his son from the cushion by his side, where it was usually placed. The prince appeased him; but he said, "Alas, son! how can you keep the crown to which you have no right?" "With the sword you won it, with the sword I will keep it," was the answer.

Sir William Gascoigne, the chief justice, was supplied by the prince's folly with a signal opportunity of manifesting his judicial independence. This eminent person had before refused to officiate in the illegal trial of Archbishop Scroop at York. At a later period, young Henry was brought before him, for the share of his associates in some of those midnight brawls with which they were wont to disturb the streets. The prince required that his comrades should be enlarged: Gascoigne was inflexible. Henry drew his sword; but

* Hume, History of England, chap. 18.

when the judge ordered him to be led to prison, he obeyed. The father rejoiced that he had a judge so fearless, and a son, though impetuous, so easily reclaimable to obedience.

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Henry had been subject to eruptions in his face, and attacks of epilepsy; one of which last carried him off in the Jerusalem chamber at Westminster, worn out prematurely by anxiety and toil in the forty-seventh year of his age, and fourteenth of his reign.

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Few candidates for power have united more wariness and watchfulness with daring strokes of policy. He shrank from nothing necessary to his ambitious purposes, and probably was not willing to do what was not absolutely necessary to their success. Men were then, however, very indulgent to such conduct. The measure of state necessity in the fifteenth century was larger than it is ever avowed to be in the nineteenth. His title being exclusively founded upon a revolution, he was compelled to adopt popular principles, and to magnify parliamentary authority, from which his own was derived. His most arbitrary measures were proposed under colour of a necessity, which prevented them from growing into precedents subversive of the constitution. The princes of his house, by patronising principles favourable to their own title, promoted the subsequent progress of liberty; although their measures of government, considered in their motives and in their immediate effects, are entitled to no more commendation than those of most other monarchs of their age.

After the accession of Richard the Second, there are no examples of any pretension to lay new and general taxes on the people, otherwise than by the estates of parliament. The power of the purse, though often eluded by various devices, was then as much an acknowledged principle of the constitution as it now is. The Lancastrian reigns are free from any complaint that it was invaded or even threatened. The right of the

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 V. first regularly introduced in the minority of Richard the
 1413. Second, was exercised without resistance under the parliamentary King. In this reign, as well as in the next, parliaments were almost annually holden; and Henry only delayed the success of the Commons in their first attempt to make a redress of grievances the condition preliminary to a grant of supply. The two houses entered a protest against the practice of suspending or dispensing with statutes. The memorable reform, which required the king to govern by the advice of a permanent council, who, being present, took an oath to observe and defend the reformed institutions, has been justly characterised by the highest authority as "a noble fabric of constitutional liberty, hardly inferior to the Petition of Right."*

The petitions or bills (for they were synonymous terms) presented by the Commons, had been allowed, in the early simplicity and inexperience of that body, to be clothed by the judges, at the close of each session, with that legal language in which they were inexpert; a practice conducive indeed to brevity and precision, but presenting too many facilities for fraud to be trusted to human integrity. In the year of the victory of Agincourt, the legislative rights of the house of commons were completed and secured, by shutting the door on this fraud, in a document remarkable as the first act of that assembly composed in the English tongue, which provided that "from this time forward, by complaint of the Commons asking remedy for any mischief, there be no law made thereupon which should change the sentence (meaning) by addition or by diminution, or by any manner of term or terms." The King granted that from henceforth nothing should be enacted "to be petitions of his Commons that was contrary to their asking, whereby they should be bound without their assent."†

* Hallam, *Middle Ages*, vol. i. p. 302.

† *Rot. Parl.*, vol. iv. p. 22.

Privilege of Parliament, a mode of expression which seems to imply the exemption of members from such judicial proceedings as impede their parliamentary functions, together with an exclusive jurisdiction of either house over offences, whether by their own members or by others, peculiarly and manifestly tending to impair their authority or obstruct their duties—a principle in later times unpopular, but which was undoubtedly for ages the coat of mail under cover of which the Commons marched through so many fierce and puissant foes,—owed its origin to the famous instance of Thorpe the speaker, in which the judges declared “that they would not determine the privilege of the high court of parliament, of which the knowlege belongeth to the lords of parliament, and not the justices.” The tremendous right of impeachment began to re-appear as the same reign more nearly touched civil war, like a portentous meteor at the approach of a storm.

New laws to regulate parliamentary elections attested the rapidly growing importance of the Commons. A statute was passed “on the grievous complaints of the Commons against undue elections for shires, from the partiality of sheriffs;” directing, “that the next county court, after writs for parliament are delivered, proclamation shall be made of the day and place of the parliament, and that all they that be there present, as well suitors duly summoned as others, shall proceed to the election freely and indifferently, notwithstanding any request or command to the contrary.”* As the avowed object of this statute seems to have been not to alter the right of suffrage, but to prevent clandestine elections where the sheriffs might nominate the members, it appears reasonable to interpret the words as importing that all freeholders present should vote, whether they were duly summoned or designedly unwarned, and whatever the mode of summons in these beginnings of

* 7 Hen. IV. c. 15.

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parliament may have been. In the first year of Henry the Fifth, knights, citizens, and burgesses were required to be resident in the places where they are elected*; and under Henry the Sixth the important alteration was made which restricted the right of suffrage to freeholders possessing free tenement to the yearly amount of forty shillings above all incumbrances.† The reason assigned for this statute in the preamble is the disorder and riots of popular elections; which by no means requires so immense a reduction as that from all alike to a few freeholders then accounted wealthy. There is no evidence of a right of suffrage so extensive as the former having obtained in any English election; but an elective right in freeholders, however small their tenement, still subsists in the not unlike instance of a coroner.

The electors in towns appear, as far back as we can trace them, to have been of the same variety of classes as in later times. In some places freemen, in others officers, of a corporation; elsewhere, freeholders, burgage tenants, inhabitants paying taxes, or other inhabitants with scarcely sufficient qualification of property to afford a presumption of residency,—these, and combinations of different sorts of them, were the description of persons by whom the elective franchise was in the earliest times principally enjoyed. The sheriff was required, in general language, to cause all the towns in his bailiwick to contribute towards the representation. Under Richard the Second, a fine was imposed on a sheriff who did not literally obey the writ. But many boroughs, and some shires, were unable to pay the daily wages of four shillings to the knight, and two shillings to the burgess. Northumberland twice pleaded inability, from the ravages of the Scottish wars: all the boroughs of Lancashire were exempted on the like ground for nearly a century. At the accession of the house of Lancaster, some discretion in the selection of towns for representa-

* 1 Hen. V. c. 1.

† 8 Hen. VI. c. 7.

tion continued to be exercised, from a species of necessity, though contrary to law. No general principle seems to have been uniformly adhered to. Inconsiderable places sent members from the commencement. But, in the ancient history of the constitution, we find no examples of great towns unrepresented.

The variety of elective rights, and the various proportions of influence over elections arising to different classes of the community, has been warmly discussed; some regarding them as unseemly blemishes, and others as practical advantages; neither party, perhaps, comprehending in its system all the objects which the irregular and confused institutions of our ancestors had, in process of time, succeeded in slowly blending.

The most unhappily memorable act of Henry's legislation was the statute against Lollards, condemning to be burnt all who, having been convicted before the diocesan of falling into heresy, should either refuse to abjure their impious errors, or relapse into them after previous abjuration. This persecution was formally carried into effect by a process *de heretico comburendo*, necessarily issuing upon a certificate of obstinate or relapsed heresy by the diocesan, and commanding the sheriff or other local magistrate to commit the offender to the flames. Some of our ancient lawyers lay it down that such was the punishment of heresy by the common law: an assertion easily made, and with difficulty brought to the test of evidence; which, in the lax language of a rude jurisprudence, imported, perhaps, nothing more than that, before the statute, heresy would not, or did not, pass with impunity.

Besides the texts of the canon law, and the abused authority of misunderstood Scripture, the Roman code retained so great an ascendant in the west as every where to furnish a plausible warrant for intolerance. For whatever the origin of the persecutions, either by pagan or christian emperors, may have been, (a question

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V. cessors of Constantine have left abundant proofs that
1413. there was no crime which they deemed it more proper
to punish than heresy; and there was none in which
they seem less to have doubted the efficacy of punish-
ment as a preventive or a remedy. Glimpses of a better
spirit are, indeed, still discoverable in the earlier em-
perors, seemingly influenced more by indifference than
by a sense of justice. All heretics were early punish-
able with the utmost severity compatible with the pre-
servation of life. The Manichæans, and all obstinate
teachers of heresy, were punished with death. The
language of these legal denunciations is so inflamed by
hatred as to have more the character of popular invective
than of the cold contrivance of lawyers, generally rather
mercenary than bigoted. The Roman law, being the
common law of Europe, was sufficient to spread these
persecuting principles over Christendom. The peculiar
fierceness of Justinian against the Manichæans facilitated
the application of the imperial laws to the Albigenses,
who were supposed to have had among them some
remains of those ancient and obnoxious sectaries, and
even to the Lollards, who seem to have had nothing in
common with the followers of Manes but the austerity
of their lives, and the war which they waged against
the corruptions of the clergy.

The spirit of dislike with which the English barons
were wont to regard the Roman code, may probably
have rendered it more necessary to introduce persecu-
tion by an express law than would have been the case
in the regions which still retained the whole system of
Constantinopolitan legislation. It is apparent, through
the reigns of Richard and Henry, that the disposition
of the popular barons, of the people themselves, and of
the rising house of commons, was favourable to bold
and independent inquiry, though the major part had not
explicitly adopted the doctrines of the reformers. John

of Gaunt was friendly to Wycliffe. Chaucer did not, indeed, assail the priesthood with the terrific energy of Dante; but he made monks objects of derision and scorn to the unlettered multitude, who could learn nothing but in their own language, and on whose minds truth could hardly be engraved without so keen an instrument as the caustic satire of the great Florentine.

The laws against the Lollards were not suffered to slumber. Such, indeed, is the inherent malignity of such legislative war against bodies of men for religious belief, that they execute themselves by the evil passions which they beget towards their unhappy objects. A people speedily unlearns compassion, and even justice, to those who are pronounced by the lawgiver to be undeserving of trust. In the reigns of both the Henries, numbers suffered death. Sir John Oldecastle, Lord Cobham, was the most conspicuous of the first heretics, or, in other words, of those who preferred death to insincerity. His rank and military reputation enhanced in some respects his merit, and gave more efficacy to the example of his martyrdom. Henry the Fifth laboured to soften Cobham's determination, and entreated him to submit his private judgment to that of the universal church. It was only after his courageous refusal that he was abandoned to Archbishop Arundel, the fiercest persecutor of the Lollards. The accounts of his trial show him to have possessed calmness of temper and presence of mind. Far from provoking or defying his judges, he treated them with decorum; and even seems, with respect to the most important point in dispute, to have been much more desirous of dwelling on their agreement than on their difference concerning the real presence of Christ's body in the Lord's Supper. It was only when they pressed him with all the subtleties and refinements of their schools that the pious soldier brought out the part of his doctrine most displeasing to them. "The Sacrament of the Altar," said he, "is,

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 V. He was convicted and condemned, but escaped from
 1413. prison. A design of rescuing him was imputed to the
 whole Lollard party. He was charged with having
 prepared a general revolt, and for that purpose with
 having assembled twenty thousand insurgents. Henry
 and his parliament accused him of a levelling conspiracy
 against property as much as against government; and
 declared that the heretical faction intended to make
 him regent of the kingdom. But these were accusations
 which no man dared to confute, and of which the most
 complete confutation would not have saved him from
 perishing by the flames; a punishment which clearly
 enough shows the nature of his alleged offence. †
 Whether some of these unhappy men had formed a
 project of resistance to laws which, towards them, were
 proscriptive and murderous, is a question of small im-
 portance to the moral estimate of the contending
 parties. Cobham was not retaken till some years after,
 when he was executed, on the declaration of the arch-
 bishop and his provincial synod that he was an incor-
 rigible heretic.

From the treaty of Bretigny, it had been the aim of
 the English government, in seasons of strength and
 prosperity, to obtain the cessions which that treaty
 stipulated, or at least to render it the means of procuring
 advantages from France. During the subsequent half-
 century there had been many cessations of arms, and
 little active warfare. But the Plantagenets never relin-
 quished the hope of re-establishing their dominion in
 their native land. The disorders of France offered a
 favourable opportunity for a young prince like Henry
 to be formidable abroad. To become so, he rightly

* Fox, Martyrology, p. 540.

† The account of Cobham by
 Dugdale (Baron. ii. 67.) is a curious
 specimen of the genealogist's toryism,

which, in this instance, prevailed
 over his principles as a protestant,
 and his panegyrical habits of writing
 as a herald.

thought that he must be popular at home. He therefore released his cousin, the earl of March, from the constraint under which that prince, the undoubted heir of Edward the Third, had been held by the jealous temper of his predecessor. Educated at the court of Richard, he brought the body of that monarch from its place of interment at Langley to the royal repository at Westminster, where he built a monument over it. The Percies, long exiles in Scotland, he restored to their vast possessions, and even once more intrusted them with command over their martial vassals.

Nothing, on the other hand, could be more tempting to the ambition of the new King than the miserable condition of France. The insanity or imbecility of Charles left the country without a ruler, and the nation without legal means of government. The institutions of the Teutonic nations were so entirely dependent upon custom, that, though hereditary monarchy was one of them, no provision had been made for any suspension of regal power, except that which arises from death. No law of regency, in cases of disability from disorder of mind, had been established any where; though, in our own time, England, Russia, Spain, Portugal, Denmark, and Sweden have shown that mental incapacity for the most ordinary acts is no infrequent misfortune of sovereigns. In the reign of Charles the Sixth, France had been distracted by contests for the regency, first in his minority, and afterwards during his long alienation of mind. The death of "Philip the Hardy," duke of Burgundy, whose power and prudence had till then preserved some tranquillity, removed the curb from the passions of the competitors for the custody of the distempered king. The contest chiefly lay between the duke of Orleans, the king's brother and presumptive heir, and the young duke of Burgundy, whose rich and wide possessions rendered him the most powerful subject of the crown of France.

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Deplorable as was the condition of the country, it was made worse by those glimpses of reason in the royal mind, seldom wanting in mental alienation, which give fallacious indications or treacherous hopes of recovery; and which, in the case of a king, whether lightly credited or sternly disbelieved, may alike expose a country to confusion. In one of his lucid moments, Charles was persuaded to summon a great council, to which the duke of Burgundy repaired with a strong escort, and was received by the populace with an applause manifesting their abhorrence of Orleans and the queen; who were therefore compelled to fly from Paris, and throw down the reins of government. The Burgundian party, called "Bourguignons," and that of Orleans, long known by the name of "Armagnacs," spread dissension and hostility over France. In the fierceness of the first contest, the king had been so thoroughly forgotten, that his unchanged dress swarmed with vermin. When they placed meat before him, he fell upon it with the rage of a famished animal. Twelve armed men in masks were necessary to subdue his insane resistance to washing and shaving. After some appearance of a restoration of amity between the rival princes, the duke of Orleans, while at supper one evening, received an invitation to attend the king. Dressed only in a gown of black damask, and followed by two equerries mounted on the same horse, and by four footmen with torches, he went through the dark streets of Paris singing and playing with his glove. As they were passing gaily by the town house of the *maréchal des Rieux*, a party of armed men rushed out, and fell on the duke with cries of "Death!" He sank under a shower of wounds. The next day the royal family went to the church where the body lay. "Never," said the duke of Burgundy, looking on the corpse of his murdered relation, "never was a more wicked and treacherous murder contrived or executed in this kingdom." The duke was one of the

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pall-bearers at his cousin's funeral, and was seen to shed tears. The two princes had partaken of the sacrament together, in token of hearty reconciliation, two days before the assassination. The magistrates were on the point of tracing the assassins to the palace in which they had found refuge, when the duke of Burgundy owned to them that, tempted and surprised by the devil, he had ordered the murder.* On his return to his own dominions the duke not only avowed his crime, but procured one of the most learned divines of his age, Dean Petit, to justify it from the pulpit, on the general principle that it "was lawful, and even laudable, for any individual to kill a tyrant, or to employ any artifice or falsehood to lure the tyrant to destruction." The council of Constance afterwards condemned the proposition, but without daring to name either the murderer or the sophist. For the twelve years which followed, France was torn asunder by factions whose crimes had rendered their mutual animosity implacable, until the death of the duke of Orleans was avenged by the equally treacherous and barbarous murder of his rival, at an interview with the dauphin on the bridge which crosses the Seine at Montereau.

And now Henry assembled a great council at Westminster, to whom he announced his purpose of making a "voyage in his own proper person, by the grace of God, to recover his inheritance." † He had appointed his brother, the duke of Bedford, lord lieutenant of the kingdom during his absence, when his voyage was interrupted by a sudden and rash conspiracy, the motives or objects of which it is not now possible to ascertain. The principal conspirator was Richard, earl of Cambridge, who had married Anne Mortimer, sister of the earl of March. On the death of March without issue, the claims of the house of Clarence had devolved on the

* Barante, *Histoire des Ducs de Bourgogne*, pp. 80—90.

† Rymer, vol. ix. p. 222.

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issue of that marriage. Cambridge and Sir Thomas Bray were executed, though the former endeavoured, by a confession, to disarm the King's resentment. The eve of a foreign war was a favourable opportunity for reviving the claims of the house of Mortimer; and Cambridge might have had reason to be assured that his reversionary interest in the succession was less uncertain than it appeared.

After the discovery and punishment of this conspiracy, the King embarked for France. Two days after, he entered the mouth of the Seine, investing Harfleur, which surrendered after a defence of six days. His army is estimated, on probable grounds, to have amounted to thirty thousand men. They are said to have been transported in fifteen hundred vessels, which allows only an average of twenty soldiers to each vessel. The defence of Harfleur was gallant. The ravages of disease speedily began to show themselves among the conquerors. The King could not advance farther with an army daily thinning against one whose numbers were continually recruiting. His choice seems to have lain between return to England and a march to Calais. His decision was to embark such of his officers as had suffered most in the late engagement, and those prisoners to whom he attached most importance, directly for England; and himself, with his remaining forces, to commence a retreat to Calais. The circumstances in which Henry now found himself were very similar to those of Edward the Third before the battle of Creci. Both princes were to march from Lower Normandy to Calais. The French, who, in both cases, fought in their own country with immense superiority of numbers, had only to defend the line of the river Somme; and being masters of time and place, were at liberty to adopt either decisive or dilatory tactics. Henry's army was reduced by many causes. He had strongly garrisoned Harfleur: to the ravages of disease were added losses by desertion; and of those who re-

mained, many were too feeble for marching. The French army, on the other hand, was hourly increased by multitudes that flocked to its camp. The march commenced on the 8th of October: on the 13th, they reached Abbeville, where the King had hoped to have passed the Somme like Edward at Blanchetaque, but found the opposite bank lined with troops. The English were now reduced to provisions for eight days, and the French needed to have done no more than watch and restrain opponents who seemed to be doomed to destruction. The English, however, effected the passage of the river by a ford before undiscovered. The French commanders, who had determined, without apparent reason, on giving to an enemy whom they held within their grasp the chances of a needless and uncertain battle, sent heralds to Henry to announce their intentions of attacking him on his march to Calais, but without specifying place or time. When Sir Walter Hungerford, at the sight of the tremendous numbers of the enemy, was regretting that he had not ten thousand good English bowmen, Henry rebuked him, saying, "Thou speakest foolishly; for, by the God of heaven! I would not, even if I could, increase my number even by one." It is, indeed, doubtful, whether the English King did not in the calmest point of view judge rightly. Great numbers are formidable only in the hands of a general competent to wield them; and, to be effective, require the most perfect habits of discipline and obedience. Still, however, the English army had so dwindled away, that it appeared about to be crushed by the mere mass opposed to it. "The condition of the English," says a celebrated writer*, "was melancholy: in front was an army of three or four times their number; they were worn out by hard marches; no retreat was open behind them, and victory seemed impossible." Henry had nothing to favour him but his own calmness, the coolness of his

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* Barante, p. 239.

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nation, and the inconsiderate impetuosity which has sometimes marred the brilliant valour of France. It is scarcely possible to doubt that the result of the battle which we have now to record must have been different, if the two armies could have exchanged generals.

Both forces sought shelter rather than took up any quarters on the night of the 24th of October. The French, consisting, according to Monstrelet, of one hundred and fifty thousand fighting men, stationed themselves at and around a village called by the French "Azincourt," and by the English "Agincourt:" the English, amounting, by the highest French estimate, to about thirty-seven thousand, at another village called Maisonnelles. These villages are situate about half a mile distant from each other, lying near the right bank of the river Ternoise.

At daybreak on the 25th of October, the French army was seen drawn up in battle array, in three lines, which are variously described as having been each of twenty or thirty men deep, while all accounts seem to represent the English line as having been only of four. The quantity of rain which had fallen, rendered the ground occupied by the troops a mere marsh, a circumstance which impeded the operations of the French army, who were bent to the earth by the weight of their armour, and encumbered by their numbers, baggage, and horses. The order of battle adopted by the French generals was such, that a large part of their force was thrown into the rear; and they thus lost, in a great degree, the advantage of their superior numbers. About noon, Henry, after having encouraged his troops, cried aloud, "Advance banners!" The order ran along the short line, and was answered with shouts of enthusiasm. By way of signal, Sir Thomas D'Erpingham threw up his truncheon, exclaiming, "Now strike!" The French cavalry advanced to the charge through multiplied difficulties. The slippery state of the ground, and the shower of

arrows poured on them by the English bowmen, galled and exasperated the horses beyond the power of guidance; and they were thus driven back on their main body in confusion and disorder. That proud and gallant army, having rejected all plebeian aid, had no arms to oppose to the strong three-foot arrows of the sturdy yeomen of England. Scarcely able to stand upon the marshy ground, they were cooped up by their unskilful leaders, in a space so narrow that they could not move. Valour became of no avail. It seemed as if the French were to be victims, crowded into a theatre, to be unresistingly slaughtered. In their attempt to escape, not so much from the fury of their adversaries, as from the incapacity of their leaders, they are said to have sustained a loss of not less than thirty thousand men; a computation which seems to be moderate, if we comprehend in it the prisoners, whose fate we have now to record.*

A deplorable incident sullied the splendour of this victory. The English soldiers had made numerous prisoners, including among them some of the highest of the French nobility, whose ransoms were to enrich the fortunate conquerors. Either a troop of French peasants had begun to plunder the baggage, or an attack had been made on the rear of the English army by a new body of French troops. An alarm spread that French reinforcements were advancing; and in an evil hour Henry suffered himself to be persuaded that the safety of his small army could only be insured by the slaughter of his numerous prisoners. He therefore commanded his captives to be slain. Seeing that the prospect of rich ransoms caused the victors to hesitate in obeying these orders, he directed an officer at the head of two hundred men to go and carry his orders into execution. He soon

* I have had the advantage of seeing a printed but, I believe, unpublished copy of Mr. now Sir Harris Nicolas's History of the Battle of Agincourt (London, 1827), since my narrative was first composed.

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discovered, however, that the rumour, to which he had lent too credulous an ear, was false; but not until the greater part of his noble captives had been killed or mutilated. It is difficult to say whether it was a palliation or an aggravation of his barbarous credulity, that the number of prisoners, if we may believe Juvenal des Ursins, amounted to fourteen thousand, a number not much less than the whole English army.

The consequences of this victory were decisive. The Burgundian party threw themselves into the arms of England. Isabella of Bavaria, dissolute, vindictive, and ambitious, the wife of the imbecile king, declared against her son the dauphin, lending aid to every expedient which had for its object to render her wretched husband the tool of foreign conquerors. She delivered Paris and Tours into the hands of the invaders, compelling the dauphin to retire to Poitiers, and assuming the regency of the kingdom herself. Henry's continuing his retreat to Calais, and returning to England after a campaign of three months without an attempt to improve a victory so signal, are deviations from the rules of scientific war. But the romantic and adventurous spirit of that age valued the honours of victory beyond the advantages of conquest. The victors, when they had won the prize abroad, hastened to display it in triumph at home. It was his policy in France, however, to keep up the general confusion as likely to make his intervention necessary. He accomplished this by a show of moderation; by varying from time to time the conditions of peace, and by secretly dealing with the chiefs of all factions. He fomented the animosities of the leaders against each other; and gradually inured the French nation to regard him as one who had no other end in view than an honourable peace, but who had been insensibly led on by fortunate accidents, or provoked by obstinate adversaries, to the more daring project of conquest.

The pretensions to the throne of France, so long cherished by the house of Plantagenet, seemed now fast approaching to realisation. A treaty was concluded at Troyes. The principal articles of this compact stipulated for the marriage of the king of England with the princess Catharine of Valois; for the possession during his life of the crown of France by Charles the Sixth; for the administration of the government, however (he being incapacitated by infirmity), by his beloved son, Henry, king of England; to whom and to whose heirs for ever, after the demise of Charles, the crown and kingdom of France were to appertain.* All acts of authority began to be headed: "By the king, on the relation of the king of England, heir and regent of France." In speaking of Henry, the phantom king was made to call that monarch "our well-beloved son the heir and regent of the kingdom;" while Charles, his own son, was spoken of as "Charles, calling himself 'dauphin,'" and declared guilty of high treason.

As soon as the treaty was concluded, the espousals of Henry and Catharine were solemnised at Troyes with more than wonted magnificence. They soon after made their triumphant entry into Paris, and occupied the Louvre; while the titular king, who followed in their train, was dismissed to an inferior palace. Henry assembled the States-General, who took the oaths to him, and swore to the observance of the treaty.

The dauphin, who had succeeded to that ill-omened dignity on the death of two elder brothers, respectively poisoned in two successive years by the factions which contended for the spoils of an unhappy kingdom, became, at the age of eighteen, the head of the national party; and his name (for he had neither civil nor military talents) the sole rallying point of the discomfited and disheartened lovers of their country. At the lowest ebb of the national fortunes, there arrived in France a body

* Rymer, vol. ix. p. 895.

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 V. John Stewart, earl of Buchan*, the son of the regent of
 1422. Scotland, who enabled the *maréchal de la Fayette* to
 Mar. 22. defeat an English army, commanded by the duke of
 Clarence at Bauge in Anjou. Sir John Swinton, a
 Scottish knight of distinguished prowess, gave a severe
 wound in the face to the English prince. Buchan beat
 him from his horse with a club, and was rewarded with
 the dignity of constable of France. Clarence was trampled
 to death. Buchan prevailed on his father-in-law, the
 earl of Douglas, to follow him to France, where that
 powerful lord was soon after made duke of Touraine;
 but where, also, both he and Buchan were slain not long
 after. The advantage obtained over the English troops
 at Bauge recalled Henry from England, where his young
 queen was delivered at Windsor of her unfortunate child,
 afterwards Henry the Sixth. After her recovery, she
 followed her husband to Paris, where, however, she was
 not to see him long. Finding himself seized by a dan-
 gerous malady, Henry caused himself to be transported
 to the castle of Vincennes, where he commanded the
 dukes of Bedford and Exeter, with other great English
 lords then in France, to attend his death-bed. He de-
 clared to them—he had, perhaps, persuaded himself—
 that he looked back with calmness on wars forced on him
 by unreasonable antagonists. Seeing his friends touched
 by a spectacle which brought triumph and death so near
 to each other, he comforted them with grave and pithy
 words, exhorting them to be trusty and faithful to his
 son, and to keep peace and amity among themselves.
 He advised them to make no peace with Charles calling
 himself “dauphin,” which did not stipulate for his sur-
 render of the crown of France, or, at worst, of the duchies
 of Normandy and Aquitaine, in full sovereignty. He
 dissuaded them from releasing the duke of Orleans and
 the other prisoners of Agincourt, till the majority of his

* Buchanan, *Rerum Scotticarum*, lib. x.

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son; the former of whom was, in fact, detained in captivity for twenty-five years. He expressed his wish that his brother, the duke of Gloucester, should be protector of England; and that his brother, the duke of Bedford, with the advice of the duke of Burgundy, should be regent of France. And he again solemnly declared, that, before the beginning of his wars, he had been fully persuaded by wise and holy men that he might justly follow them. His noble hearers assured him, amidst sighs and tears, of their reverence for his dying commands. Being told by a physician that he had no more than two hours to live, he directed his chaplains to chant the seven penitential psalms, and in the midst of the performance of these sacred rites, he calmly breathed his last. Two months after he was followed to the grave by the unhappy lunatic, still termed "king of France." Not a prince of his own blood attended his funeral. On the interment of Isabella, his widow, some years after, her corpse was thrown into a wherry, and rowed to St. Denis by a few hired attendants, with no more ceremonial than might have been lavished on any tradeswoman. The remains of the victorious Henry, on the contrary, were interred at Westminster with unwonted pomp, amidst the unreasonable regrets of a populace drunk with victory; but with two mourners, James, king of Scotland, and Edmund Mortimer, earl of March, the sincerity of whose sorrow it is not uncandid to doubt.

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The long reign of HENRY THE SIXTH comprehends two distinct portions, which have little resemblance in their character, and not much more connection with each other than through the tie which necessarily joins contemporary occurrences. The first is the history of the calamitous progress and ignominious failure of the second war for the establishment of the Plantagenets in France, commenced by his father with a splendour of success which hid its impolicy and iniquity from the

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elated multitude. This part, however, belongs rather to the history of France. It extends throughout the first thirty years of what is called the reign of Henry the Sixth, as imbecile in mature years as in infancy. It is a curious peculiarity of this contest, that both the competitors were inactive and insignificant bystanders in the struggle.

When Henry was proclaimed king of France as well as of England, at the age of nine months, the western and northern provinces of that great kingdom were held in his name: Paris, the seat of power and justice, owned his sway; and the alliance with the duke of Burgundy threw all the resources of the opulent territories of the latter into the same scale. The central districts, the south-eastern, and even the southern as far as the line separating Languedoc from Gascony, however, adhered to the cause of the dauphin; whom, as he was finally successful, it is convenient henceforward to call Charles the Seventh. Generally, the countries between the Loire and the Seine were the theatre of the most active warfare.

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During the seven years which followed, the fortune of the English arms generally prevailed. At the battle of Verneuil, the French army was defeated so signally that the victory was compared to Creci, Poitiers, and Agincourt. The Scotch auxiliaries were cut to pieces, under leaders of proud name, Stuarts and Douglasses, to the satisfaction, as it is said, of the French, whom they had come to help; but who, like other nations in such circumstances, had been oppressed as cruelly by their lawless allies as by their open enemies. Every part of the country was the daily scene of skirmishes, inroads, towns stormed, villages burnt. "France to the north of the Loire had become one vast solitude; the country was deserted, and there were no men but in forests or fortresses; even the cities were rather quarters for soldiers than dwelling-places of the inhabitants. The cultivation of the soil was abandoned, except around the walls,

under the ramparts, and within sight of the sentinel in his tower. As soon as an enemy was discovered, the alarm bells were rung, the labourers flew into the town; the very cattle had learnt a sort of instinct which taught them to take to flight. Theft and robbery were of necessity the only occupation of houseless wretches.* Still, as hostilities were not urged with that unceasing and overwhelming vigour which treads out every spark of revolt, time was lending its accustomed though scarcely perceptible aid to those who clung to the defence of their country. It is not easy to account for the languor of the English campaigns. Jealousies among the princes, intrigues among ministers, common occurrences on such occasions, contributed doubtless their share. It has besides often happened that conquerors of the most vigilant and vigorous character suffer themselves to be lulled into supineness by undisturbed possession of the capital, of the ensigns of authority, and of the solemnities of law; looking with contempt on the bands who preserve the national spirit in the provinces.

The French people naturally, and indeed justly, imputed all their calamities to the foreign invaders; whose deportment in other countries than their own has, it must be owned, been in general more just than kind. Resentment against them gradually spread over all classes of the community. The affairs of Charles wore, perhaps, their gloomiest aspect when the English laid siege to Orleans.

A spark of national feeling was then struck out, which showed the susceptible condition of the general temper. Jeanne d'Arc, the daughter of a peasant at Domremi, in Lorraine, beautiful, innocent, pious, modest, laborious, had been from her childhood devoted to such severe observances and meditations as are cherished by a young female full of sensibility, amidst the lonely occupation of a district of mountains and forests. Her fellow villagers

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* Barante, vol. iv. p. 204.

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were zealous royalists. The neighbouring village, however, was so Burgundian that a sort of civil war prevailed between them. She had long told her parents of admonitions which she believed herself to have received from heaven, and which they and all their neighbours had no difficulty in referring to the peculiarity of her character and habits. She was more than once enjoined by "her voices," or, as she sometimes said, "by the king of heaven," to undertake the delivery of her king and country, whose last hopes seemed now to hang on the fate of Orleans. This fortress held out with such desperate valour as to be the theme of every tongue, and deeply to move every truly French heart. The poor maiden of Domremi gained time to surmount the obstacles which seemed to render it impossible that she should ever deliver to Charles the message with which she was charged. She forced her way, however, into his presence; and obtained from him a party of troops, at the head of whom she was to throw herself into Orleans; with no neglect, we may presume, of those human precautions in the choice of experienced soldiers to guard, and skilful officers to counsel, her, which might be reasonably numbered among the conditions of the miraculous aid. All were alike believers in the promised supernatural succour. But all were also convinced that it might come either from the God of Truth, or from the Prince of Darkness. The theologians of Charles, however, said, that her offer was lawful; and what, indeed, could have been a purer object for the exercise of divine power, than the delivery of France by the hand of a chaste and devout maiden? She made her way into the besieged city, mounted on a white horse, and with the veteran Dunois by her side. The troops, in the first fervour of their enthusiasm, attacked the works of the besiegers. She was so grievously wounded that it was necessary to carry her from the field: her disappearance spread a general panic; till, compelling her friends

to place her on horseback, she again advanced to the charge. The English army, which had been besieging the town for six months, now raised the siege, actuated by terrors from which the bravest men are not exempted by their courage — by terrors as strongly felt by Talbot and Chandos as by the lowest hind in their army. Joan then entreated the king to go with her to be consecrated at Rheims; but the danger being great, the suggestion was at first rejected. But the importance both of the consecration and of the courageous expedition which it required, in the eyes of the people at large, was clearly demonstrated by the good maiden, whose simple heart partook every movement of the popular feeling.

After having witnessed a defeat of the English at Patay, in which Talbot himself was made prisoner, she had the happiness at last to see her king consecrated in the cathedral at Rheims. She then entreated permission to retire to her native village; but her presence served so much to animate the troops that her prayer was rejected. She obtained for the two villages of Greux and Domremi an exemption from taxes, which they enjoyed till all such privileges were abolished in 1789. Not long after, however, she was made prisoner by a detachment of the allied army near Compiegne. However imperfect the security of prisoners of war still continued to be, it is certain that the maiden was received to quarter by the officer to whom she surrendered; nor was she then, or afterwards, charged with any breaches of the laws and usages of war which could subject her to the jurisdiction of a military tribunal. During several months of close imprisonment at Rouen, the maid's powerful enemies sought for charges against her; but, as it should seem from their subsequent accusations, in vain. The prelates and doctors who were the creatures of her accusers could extract from the narratives of her worst enemies no more than that she had lightly or presumptuously believed revelations or apparitions,

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V. blasphemed against God, by imputing to him a com-
mand that she should wear man's apparel ; and that,
1430. inasmuch as she refused to submit to the Church, she
was a heretic. The ecclesiastical tribunal, however,
pronounced sentence that she should be cut off from the
Church as a corrupt member, and delivered over to
secular justice. A recommendation to the lay judges
was, as always, subjoined, that they should moderate
the punishment as far as it extended to life or limb.
But, after the cardinal of Winchester had announced the
tender mercies of his Church, saying to her, "Joan!
go in peace, the Church can no longer defend thee ; she
delivers thee over to the secular arm !" she was dragged
to the scaffold and committed to the flames. A pro-
clamation against the deserters, who, appalled by the
terrors of the virtuous maiden, had fled from their
standards, revealed the base motive of these cruelties
against her. Henry himself declared that the death of
Lord Salisbury and the defeat at Orleans "were caused
in great part by the unlawful doubt that they had of a
disciple and limb of the fiend, called the Pucelle, who
used false enchantments and sorcery."* It is true that
her accusers and all others then believed in the reality
of sorcery ; and the most important lesson taught by the
event is the value of that knowledge, the fruit of enquiry
and reflection, which has banished such imaginary
crimes from the civilised world. But they were unable
(for assuredly they were not unwilling) to produce
such proofs of the pretended offence, as would in other
cases have been required even by themselves. Having
by artifice and fraud involved her in a capital charge,
they proceeded, under the abused formalities of law, to
destroy the deliverer of her country. It must, however,
be owned that the abominable practice of convicting
culprits for one offence, in order to put them to death

* Rymer, vol. x. p. 408.

for some other reason, still lingers in the administration of criminal justice.

While the spirit of the French people thus manifested itself in the heroine, the duke of Burgundy, the original conspirator against the independence of France, began to be slowly weaned from its apostasy. Bedford dreaded the aggrandisement of so formidable an ally. Burgundy disliked the foreign regent who stood in his way.

The amours of one of the most giddy and self-indulgent of princesses early sowed the seeds of distrust between the Plantagenets and the duke of Burgundy. Jacqueline, countess of Holland, Friesland, Zealand, and Hainault, whose inheritance extended from Westphalia to Picardy, over provinces already important from traffic and seamanship, had no issue by her first husband, John, the elder brother of Charles the Seventh. Married a second time to her cousin the duke of Brabant, she soon grew weary of him, and professed scruples about the validity of a marriage within the degrees forbidden by the Church. Without waiting a sentence of nullity from Rome, she made her escape to England, where she found Humphrey, duke of Gloucester, as eager to master her dominions as she was to be united to his person. The duke of Burgundy, who was the duke of Brabant's next heir, was displeased at the chance of losing so fair a prize. Though Henry the Fifth and the duke of Bedford regretted and withstood the unseasonable ambition of Gloucester, which threatened to embroil them with the most valuable of their allies; and though Gloucester, who, like Jacqueline, was inconstant as well as impatient, had treated their irregular marriage as a nullity, by espousing his beautiful mistress Elinor Cobham; yet the passions of the unsteady and adventurous Jacqueline in no small degree contributed to the alienation of Burgundy from the Plantagenet party. The English being still masters of France, Henry the Sixth was led in mournful triumph into Paris, where he was consecrated

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by an English prelate the monarch of unwilling subjects. The death, however, four years after, of the duke of Bedford, a prince of remarkable ability, prudence, and moderation, abated the confidence of continental governments in alliance with England, and especially that of the court of Burgundy. At the same time a congress, to treat of a general peace, was assembled at Arras on the mediation of the Holy See. The French insisted on the independence of their crown as a preliminary condition. The English minister quitted the congress, protesting against such a demand. The government of Burgundy cannot be charged with indecent haste towards allies to whom its policy had for years been a sufficient warning that Philip must at length provide for the peace and safety of his own dominions. The latter accordingly concluded a separate peace with France, the principal articles of which regulated the satisfaction due for the murder of the late duke on the bridge of Montereau; which, says the treaty, "the king would have withstood to the utmost of his power, if he had possessed the same understanding and knowledge which he now enjoys." The duke was exempted from vassalage during his own life and that of the king. The counties of Maçon and Auxerre, together with the towns of Peronne, Roye, and Montdidier, were ceded to Philip. It was agreed that the king should never treat with the English without the duke's consent, and should succour him, if attacked by that nation. But whatever specious language of neutrality, or even of friendship, towards England was employed in this negotiation, it was manifest that Philip could not long continue neutral. He shortly after declared war against Henry. After several actions, in which the invaders were worsted at the gates of Paris, Lord Willoughby, who commanded the garrison of that capital, was obliged to throw himself, with a handful of soldiers, into the Bastile (or building) of St. Antony, which, like the Tower of London, had been successively

used as a palace, a citadel, and a state prison. Here he could hold out no considerable time. He was suffered to march out, and Paris was once more restored to her native masters, after a possession by foreigners of seventeen years.

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Charles had hitherto made no demonstrations against Aquitaine. The English appeared now to limit their hopes in the north to Normandy and Calais. The duke of York, the son of the beheaded Richard, earl of Cambridge, united in his person, after the extinction of the Mortimers, the hereditary pretensions of the house of Clarence. On the death of the duke of Bedford, the King appointed his formidable kinsman York to the regency of France, perhaps for the purpose of giving the appearance of a unanimous contest of all English parties for national honour to the struggle still vainly maintained in France. The French offered to cede Normandy and Guienne as fiefs of the crown of France; but the arrogance of the victors was not yet tamed. Thirteen years, however, after the evacuation of Paris, Normandy, which the Plantagenets had never ceased to look on as their patrimony, was wrested from them; and, two years later, even the Gascon and Pyrenean provinces, alien from Paris by language, and united to it by no habits of common obedience, were reduced under the sway of the house of Valois. The people of Guienne showed a desire of obtaining English succour. Talbot, the most renowned of Henry's captains, and perhaps the only laurelled head remaining of those from whom the glory of Agincourt had been derived, was sent to Bordeaux to their assistance in the eightieth year of his age. A gleam of fame seemed to light up the brow of the aged hero; but though deserted by his ancient fortune as a commander, he died at the battle of Chatillon like a brave soldier.

Thus closed the second war of the Plantagenets to re-establish themselves in France, a contest which had

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lasted for a century; and with it happily ended all English projects of territorial aggrandisement on the continent of Europe, the success of which must have thrown a power into the hands of English monarchs altogether irreconcilable with that liberty which is the peculiar and characteristic glory of England, the source of her greatness, the school of her virtues, and the nursery of her genius.

A historian who rests for a short space between the conclusion of the Plantagenet wars in France, and the commencement of the wars between the two branches of that family in England, may naturally look around him, reviewing some of the more important events which had passed, and casting his eye onward to the then unmarked preparations for the mighty mutations which were to affect the mutual relations of states, modify their internal rule and condition, and produce an influence on the character and lot of the European and even of the human race. A very few particulars only can be selected as specimens from so vast a mass.

The foundations of the political system of the European commonwealth were now laid. A glance over the map of Europe as it existed in 1453 will satisfy an observer that the territories of the different nations were then fast approaching the shape and extent which they retain at this day. The English islanders had only one town on the continent remaining in their hands. The Moors of Spain were on the eve of being reduced under Christian authority. Italy had, indeed, lost her liberty, but had as yet escaped the ignominy of a foreign yoke. Muscovy was emerging from the long domination of the Tatars. Venice, Hungary, and Poland, three states now placed under foreign masters, then guarded the eastern frontier of Christendom against the Ottoman barbarians, whom the absence of foresight, and mutual confidence, and a disregard for the general safety and honour which disgraced western governments, had just

suffered to master Constantinople and to subjugate the Eastern Christians. France had consolidated the greater part of her central and commanding territories. In the transfer of the Netherlands to the house of Austria originated the French jealousy of that power, then rising into importance in south-eastern Germany. The Empire was daily becoming a looser confederacy under a nominal ruler whose small remains of authority every day contributed to lessen.

The internal, or constitutional, history of the European nations threatened in almost every Continental country the establishment of absolute monarchy, from which the free and generous spirit of the northern barbarians did not protect their degenerate posterity. In the Netherlands, an ancient gentry, and burghers enriched by traffic, held their still limited princes in check. In Switzerland, the patricians of a few towns, together with the gallant peasantry of the Alpine valleys, escaped a master. But parliaments and diets, states-general and cortes, were gradually disappearing from view, or reduced from august assemblies to insignificant formalities; and Europe seemed on the eve of exhibiting nothing to the disgusted eye but the dead uniformity of imbecile despotism, dissolute courts, and cruelly oppressed nations.

In the mean time the almost unobserved advancement and diffusion of knowledge were preparing the way for discoveries, of which the full results will be contemplated only by unborn ages. The mariner's compass had conducted the Portuguese to distant points on the coast of Africa, and was about to lead them through the unploughed ocean to the famous regions of the East. Civilised men, hitherto cooped up on the shores of the Mediterranean and the Atlantic, now visited the whole of their subject planet, and became its more undisputed sovereigns. The man was then born, who, with two undecked boats and one frail sloop, containing with difficulty a hundred and twenty persons, dared to stretch

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across an untraversed ocean, which had hitherto bounded the imaginations as well as the enterprises of men; and who, instead of that India renowned in legend of which he was in quest, laid open a new world, in the hands of the European race, one day to produce governments, laws, manners, modes of civilisation, and states of society, almost as different from those of ancient Europe as its native plants and animals. Who could then, who can even now, foresee all the prodigious effects of these discoveries on the fortunes of mankind?

The moment was also fast approaching, though unforeseen by civil and spiritual rulers, when a Saxon monk was to proclaim (without his own knowledge and against his opinions) the right of every man to think for himself on all subjects, the increasing duty of exercising that right in proportion to the sacredness and awfulness of the subject, the injustice and tyranny of all laws which forbid men to aid their judgment by discussion, and to disclose to others what they prized as invaluable truths. The discovery of the rights of Reason, thus unconsciously and undesignedly made, was the parent of every other invention and improvement; but it could not have been, perhaps, effected at that time without another occurrence, strikingly illustrating the contrast between the importance of facts affecting the temporary greatness of states, and that of those advances in civilisation in which the whole race of man partakes.

Paris, as has already been stated, was evacuated by the English. The subsequent conquest of Bayonne completed their expulsion from France. Few events could then have been deemed of more moment. Had statesmen been as voluminous writers as they now are, their correspondence would scarcely have handled any other matter. Of these events, thus once momentous, a well educated man might now mistake the date to the extent of ten or twenty years. In the very year of the evacuation of Paris, as we learn from the records of the

city of Strasburgh, a lawsuit was carried on in the latter city between John Guttenburg, a gentleman of Mentz, celebrated for mechanical ingenuity, and Drizehn, a burgher of the city, who was his partner in a copying machine, of which, however, the former reserved to himself the secret of the contrivance. No litigation could seem more base and mechanical to the barbarous barons of Suabia and Alsace. But the copying machine was the printing-press. The invention of Guttenburg was to multiply tenfold the force of reason employed in human pursuits, and, beyond the possibility of calculation, the opportunities of active genius and wisdom.

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HENRY THE SIXTH TO RICHARD THE THIRD.

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THE history of the expulsion of the English from France has been briefly related at the close of the last Chapter. The civil wars, upon which we are about to enter, cannot be fully understood without a review of the internal administration of the realm, the state of the royal family, and the animosities among the counsellors of the King, during the first thirty years of his nominal rule. These last were the cause of infinite convulsions in the kingdom; and yet, as clothing themselves in law and form, served perhaps to enhance the estimation of those restraints upon rapacity and ambition.

The first parliament of Henry was convoked when he was only in the tenth month of his age, with all the circumstances of gravity and solemnity which lend so false an air to acts done in the names of minor kings. It was held in virtue of a commission, to which the great seal had been affixed, the commissioners gravely averred, by the command of an infant who had not yet uttered an articulate sound. That body, however, referring its authority to this irrational source, conferred the regency of England and France, with the administration of the latter country, on the duke of Bedford, making his brother, the duke of Gloucester, protector of England in his absence. By an act—the first, perhaps, drawn in English, a language since so fertile in such measures—a subsidy was granted to the crown. A council of regency was also appointed, without whose consent no considerable act of state was to be legal.

This body was composed of five prelates, six great lords, and five of the minor nobility, the class which, having been gradually amalgamated with the wealthier commoners, now forms what is called the "gentry."

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In the following year, by the death of Edmund, last earl of March, the hereditary pretensions of the house of Clarence became vested in Richard Plantagenet, duke of York, the son of Anne Mortimer, heiress of that family. Richard, however, being then only a boy of fourteen, a serious prosecution of his claim was not a thing to be apprehended. So little, indeed, were his pretensions feared, that, in his maturer manhood, he was appointed, by the heads of the Lancastrian party, lieutenant of Ireland, and subsequently regent of France.

Dissensions early arose in the cabinet between the duke of Gloucester and Thomas, bishop of Winchester, afterwards Cardinal Beaufort, whose shares in the government were too equally balanced for their respective ambition. Their feuds ran so high, that it became necessary for the duke of Bedford to compel them in full parliament to refer their differences to arbitrament. The award was that the past should be forgotten, and a reconciliation entered into between the parties. This last was accordingly done in the presence of the two estates; but the promises made on the occasion, if sincere at the moment, were of too superficial a nature for the impression to be an abiding one. Beaufort, whose private life was more that of a prince than a prelate, was politic, martial, penurious, except on occasions of parade, combining the apparently conflicting passions of love of power and love of money. With his knowledge, which for that age was not contemptible, and his long observation and experience, he did not easily brook inferiority of station to one so much his junior in years. The first object of contest between the two rivals was the possession of the Tower, involving the custody of the infant king. The seemingly amicable settlement of

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this point was followed by a debate whether the power of the council of regency, in which Beaufort exercised a great ascendancy, ought not to be enlarged at the expense of that of the protector. An attempt was made to exclude Beaufort from that board on the ground of his being a cardinal, and counsellor, in that character, of another sovereign. Parliament, however, sanctioned his continuance in office. In the parliamentary rolls there is a declaration of the lords, addressed to the duke of Gloucester, who had demanded that they should accurately define his authority as protector, refusing meanwhile his attendance at the house, and stating that he conceived he had a right to the government by birth as well as by the will of the late king. The answer of the lords was peremptory. They apprised the duke that the late king could not, by his last will or otherwise, alter the government without the consent of parliament, nor grant it to any person longer than while he was alive; and that the desire of the duke was not according to the laws of the land, but was against the right and freedom of the estates of the same. They nevertheless declared that, in the absence of the duke of Bedford, the duke of Gloucester should be head of the council, "not with any name that importeth authority over the land, but with that of protector, which importeth a personal duty of attendance to the defence thereof." * So absolute was the supremacy of parliament, and so completely did they assume to themselves the power of the minor king, even to the creating of officers before unknown to the commonwealth.

1441. At different periods of the minority changes were made in persons, and in the powers with which they were invested, as if to display the authority of parliament; but which also indicated the secret discord between the duke and the cardinal,—discord of which the embers were not yet extinguished. Gloucester sought

* Rot. Parl., vol. iv. p. 326.

the united support of all the legitimate Plantagenets, more especially of Richard, duke of York, who, in his governments of France and of Ireland, had conducted himself with the fidelity becoming his just and moderate character. The lay representative of the domineering cardinal was his nephew, Henry Beaufort, afterwards duke of Somerset. The two ministers tried their strength in the question of the release of the duke of Orleans, a prisoner since the battle of Agincourt, whom the cardinal had procured to be enlarged, with such displeasure on the part of Gloucester that he protested against the measure, and took to his barge to avoid sanctioning by his presence the oaths of the enlarged prince not to turn his liberty and his arms against England.*

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In the ensuing year a still more conspicuous blow was struck at the protector's greatness. In that age the charge of sorcery was irresistible. It blasted all whom it touched; raising such a storm of indignation and abhorrence that no mind had calmness remaining to distinguish guilt from innocence, if such terms can properly be applied to this imaginary crime. It was the sharpest weapon of churchmen, who were thought most capable of discriminating and subduing the confederates of the infernal powers. An accusation of sorcery and treason was brought against Elinor Cobham, the wife or concubine of Gloucester. She was charged with having framed a wax image of the king, whom she was slowly to torture, and finally to destroy, by such applications to it as, according to the principles of necromancy, would become painful and fatal inflictions on the royal person. An ecclesiastic named Bolingbroke, her husband's secretary, Hume, her chaplain, and Southwell, a canon of St. Stephen's, Westminster, men of most repute for knowledge of any in their time, were convicted with her of the same compo-

* Paston Letters, vol. i. p. 3.

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sition of necromancy and treason. One suffered public execution; two died secretly and suddenly in prison; Elinor herself was brought from Westminster by water, and landed at the Temple bridge; from whence, with a taper of wax of two pounds weight in her hand, she went through Fleet Street, "hoodless, save a kerchief, to St. Paul's, where she offered her taper." On two other days in the same week she was landed at Queenhithe and in Thames Street, whence she made the like penitential procession to other shrines in the city, the mayor, sheriffs, and crafts of London receiving and accompanying her. While the march, doubtless, preserved the show of voluntary penitence, the exposure of the King's aunt was softened by some tokens of her royal connexion. She was afterwards committed to the custody of Sir John Stanley, comptroller of the household. A chronicler describes her to have been sent by him "to dwell an outlaw in the wilds of the Isle of Man;" but by the more credible testimony of records it appears that she was committed a prisoner to his castle at Chester, whence she is traced to Kenilworth, where she disappears from history.* The sorcerers themselves doubtless trusted as much the potent malignity of their spells as other men dreaded them. They intended to do evil, and believed that they had accomplished their fell purpose. They may be thought to have been as wicked as real demons, if it were possible for mankind to contemplate with lasting abhorrence designs which are known from their nature to be for ever incapable of being carried into execution. Yet their black attempts spread dismay and alarm among mankind; and the general apprehension was as real an evil as if the means contemplated had been substantial and efficacious.

While the bulwarks of Gloucester's security as well as dignity were thus loosening around him, and though he

* Ellis's Royal Letters, 2nd series, vol. i. p. 107. Rymer, vol. xi. p. 45.

saw his connections crumbling on every side, he was obliged "to take all patiently and said little."* Another transaction occurred which speedily threw the whole current of authority into new channels. This was the marriage of the imbecile King with a French princess of great spirit and renown, Margaret, the daughter of René of Anjou, titular king of Sicily; a woman with the allurements but without the virtues of her sex, endowed with masculine faculties, trained in the sanguine hopes and wild projects of adventurous exile, and who became at last as fearless and merciless as any of the heroes of her time. Thus the guidance of the most timid and effeminate of monarchs fell to the charge of the fiercest and one of the ablest of women. The marriage was solemnised with a splendour more becoming the actual state than the impending fortunes of the King. In a curious account of the nuptial pomp by a contemporary chronicler †, we are struck by the show and bravery of the trading companies of London, already mingling the display of their commercial wealth with the gorgeous magnificence of princes and lords. One circumstance, however, brought unpopularity on the marriage, and on Suffolk who had concluded the treaty: the territories of Maine and Anjou had been ceded to René in the matrimonial treaty. They were the keys of Normandy; which, being placed in his weak hands, enabled the French army to overrun that most English of the provinces situated in France.

The final attack on Gloucester was made in the year following that of the marriage. It is a transaction buried in deep obscurity; of which a probable account may be hazarded, but of which little, except the perpetration of an atrocious murder, can be affirmed with certainty. General belief, and our most ancient writers, trace it to the deep-rooted animosity between the cardinal Beaufort and the duke of Gloucester. We find them

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* Grafton.

† Fabian.

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engaged in angry and fierce contest from the beginning, without any appearance to the last of their enmities having really ceased. Even in his most advanced age, there is no indication that the cardinal renounced his inveterate habits of ambitious intrigue, the last vice perhaps extinguished by grey hairs. In the mean time, however, the chief administration of public affairs had gradually slid into the hands of William de la Pole, earl, and afterwards, duke of Suffolk, son of the unfortunate favourite of Richard the Second. His grandfather, Sir William de la Pole, a merchant at Hull, had, by loans and supplies to Edward the Third during the French wars, raised his family to the threshold of nobility. After the cardinal's decay, and the appearance of a domineering queen, Suffolk became, like his predecessor, the enemy of Gloucester. The minister felt a prince engaged in public affairs to be a formidable rival. His jealousy was quickened by Gloucester's popularity, and by the compassion of the multitude for the ignominy heaped on his family and adherents. The latter's condemnation of the pacific policy adopted towards France (first shown in his resistance to the duke of Orleans' enlargement), and his affectation of zeal for the more heroic councils of Henry the Fifth, had contributed to offend the queen and to displease the minister of a new system. De la Pole himself, who had risen under the cardinal, can hardly be believed to have embarked in any enterprise against his own, the prelate's, and the queen's enemy, without perfect assurance that it would not be unacceptable either to Beaufort or Margaret. The advanced years of the cardinal were likely to be more soothed than displeased by one of those irregular blows against an enemy which were then considered as masterstrokes of policy. It is no wonder, then, that the crime directly perpetrated by De la Pole has always been thought not to have been disapproved by the young queen; and, to use the significant words of the

old chronicler, "to have been not unprocured by the cardinal." In this position of parties, at a parliament holden at St. Edmund's Bury, the Viscount Beaumont, by the King's command, arrested Humphrey, duke of Gloucester, for divers acts of high treason. If there were any parliamentary proceedings on the subject, no part of them at least is to be found in the printed rolls.*

Within two days of the committal, the duke was found dead in prison. His body, which was exposed to public view, however, had no marks of violence. No legal enquiry into the circumstances of the death of the presumptive heir to the throne seems to have been demanded. Some of the most remarkable of these are a grant, if he should die without issue, of the county of Pembroke, a part of his vast possessions, to De la Pole, his accuser and destroyer, executed some time before; the mockery of suing out administration for the King as next of kin to his uncle; and the seizure of the dower of the unhappy Elinor, which they alleged to have been forfeited by her pretended crimes. Many were thrown into prison as Gloucester's accomplices. Of these, five gentlemen of the duke's household, Sir Roger Chamberlayne, Middleton, Herbert, Arthur, and Needham, were condemned to be hanged, drawn, and quartered; on what proof, and by what mode of trial, we know not. Suffolk, the prime minister, was, it seems, present at their trial, and more certainly on the day of their execution. When the culprits were cut down, and after their bodies had been marked for quartering, he took a paper out of his pocket containing the King's pardon, which he read aloud to the multitude, assigning the reasons of the royal mercy, one of which was the indecency of a public execution on a Friday.

The duke of Gloucester had endeared himself to the

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* The imperfect state of the rolls revives my envy of those historical enquirers who will have the good fortune to begin their labours after Mr. Palgrave's edition shall be completed.

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people in some measure, perhaps, by his zeal against the French party, but more justly by his generosity, valour, and encouragement of letters, with which he was himself not unfamiliar. He was long bewailed as the "good duke of Gloucester."

Gloucester was followed to the grave within two months by his old rival the cardinal, who did not leave behind him so good a name. The Lancastrian party was thus stripped of its chiefs. No male Plantagenet of that lineage remained but the pageant king; and the execution of Somerset completed that defencelessness which had been begun by the murder of Gloucester.

Three years after, however, the administration of Suffolk was closed, in a manner the circumstances of which are characteristic of the time, though the secret springs are imperfectly known to us. He had been already impeached for high treason, in exciting the French to invade England, in order to depose Henry, and to place on the throne his son, who was to wed Somerset's daughter, considered by the Lancastrian party as the next in succession to the crown. He was next charged with the loss of France by his negotiations in that country, and with having betrayed the secrets of the state to the French ministers. Many other illegal and tyrannical acts were thrown into the scale by the house of commons. Few of these acts, however, even if proved, would have amounted to treason: many of them were either frivolous, or supported only by vague rumour: and the remainder consisted of irregularities which no man who had any power to do wrong was at that time solicitous to avoid. The King stopped the impeachment; but calling the peers and the accused into a secret apartment of his palace, the chancellor, by his command, acquainted the prisoner, that the King, having considered the charges, held the duke to be neither acquitted nor convicted: "that touching the misprisions, the King, by force of his submission, by his

own advice, and not referring himself to the advice of the lords, nor by way of judgment, — for he is not seated in a place of judgment, — putteth the duke to his rule and governance; and commands that he shall absent himself from the realms of England and France for five years.”* Lord Beaumont, however, on behalf of the lords, protested that they did not share in this act; and that it should never be cited in derogation of their honour, nor to prejudice the privilege of peerage in all time coming.

As far as it is possible to liken so anomalous a proceeding to legal regularity, the above entry has some resemblance to a conditional pardon of the impeachment, with a general understanding, that, by a breach of the conditions, the prisoner would expose himself to the King's displeasure. But the public, as we learn from a contemporary, considered the whole as a juggle; and “it was believed that the duke of Suffolk was right well at ease and merry, and in the King's good grace, and in the good conceit of the lords as well as ever.”† The prevalence of such surmises renders the event which followed still more unintelligible. The duke taking shipping for Calais, in pursuance of the King's command, was stopped near the coast by one of the largest vessels of those times, called the “Nicholas of the Tower,” carrying one hundred and fifty men. The commander sent a party on board the duke's bark to bring him to the Nicholas, and on his being brought said to him, “Welcome, traitor! as men say.” Suffolk was allowed a confessor. On the next day, in sight of all his men, who looked on from their small vessel, he was drawn out of the great ship into a boat, where there were an axe and a block, and one of the meanest of the mariners bade him lay down his head and he should die by the sword. The seaman then took a

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* Rot. Parl.

† Paston Letters, vol. i. p. 29.

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It seems evident that the cause of the downfall of De la Pole was the hatred of the people, and of the house of commons, raised to the utmost pitch by the barbarous murder of Gloucester, apparently the most popular Plantagenet since the Black Prince. But the composition of the party formed against him, their leader and their motives, are not to be so easily understood. That the Queen, then all powerful, should have looked calmly on his overthrow, seems incompatible with the whole of her conduct since he had negotiated her marriage. Nor is it easier to conjecture the authority or the inducements which, after he had been released by the King and sheltered from popular fury in mild banishment, caused him to be dragged from the vessel which was bearing him to the place of his appointed exile, to be carried by force on board a ship of the state, and, by order of her commander, to be murdered in open day, with some butcherly mimicry of an execution of public justice. Perhaps the ambitious Queen, and her late colleagues in administration, yielded to the fear of those commotions which the swell of the sea and the blackness of the horizon indicated not to be distant. Nor is it improbable that Margaret, loaded with burdensome benefits, should have shown that she should not be inconsolable if she were delivered from a man who had the power to bestow so much good, and consequently to inflict so much evil. The contemporary relater of this barbarous deed tells his correspondent, that, in writing it, "he had so washed his short letter with sorrowful tears, that it would be scarcely possible to read it." †

Before the impeachment of Suffolk, some risings of the people had already manifested the gathering discontent. In the month after his murder a body of the

* Paston Letters, vol. i. p. 39. ; evidently from the words of an eye witness.

† Ibid.

peasantry of Kent met on Blackheath in arms, under a leader of disputed descent, who has been transmitted to posterity with the nickname of “Jack Cade.”* On him they bestowed the honourable name of John Mortimer, with manifest allusion to the claims of the house of Mortimer; which were, however, now indisputably vested in Richard, duke of York. In the force assembled by the King were many not untainted by the disaffection of the peasantry. After the defeat of part of the royal troops at Seven Oaks, the remainder refused to fight. Lord Say was committed to the Tower to satisfy the rebels. The King, driven from the field, took shelter in London; and, on occasion of a second revolt of the commonalty of Essex, fled to Kenilworth. Cade now assumed the attire, ornaments, and style of a knight; and, under the title of captain, professed to preserve the country by enforcing rigorous observance of discipline among his followers. The duke of Buckingham and the archbishop of Canterbury, who had been sent to negotiate with him, acknowledged that they found him discreet in his answers, but unwilling to lay down his arms.

Triumphantly entering into London, in shining armour and gilt spurs, he issued a proclamation forbidding, under pain of death, his men from taking anything without payment; an indulgence which, however, he is said by his enemies, through whom alone we know him, to have granted to himself. He rode in exultation through the streets; and as he came by London Stone, struck it with his sword, saying, “Now is Mortimer lord of the city!” Lord Say, the treasurer, was, with a few others, executed. A battle, or bloody scuffle, was continued during the night on London Bridge, in which success seemed to incline to the insurgents, until the

* Stowe alone represents this leader's name to have really been Cade. In a contemporary record he is called Mr. John Aylmere, physician.—Ellis's Letters, second series, 112.

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In his subsequent attainder, the treasons for which Cade was attainted are alleged to have been committed on the 8th and 9th of July, in order that he might not seem to have suffered for any act pardoned by the general amnesty which was granted on the 7th; but his enemies had leisure and opportunity, for more than twelve months after his death, to adapt their forms and dates to their own purposes. The two days immediately following the amnesty might have been employed in reaching a place of safe and convenient dispersion; for which inoffensive purpose a certain military array, technically treasonable, might have been necessary. It seems evident that all the legal executions took place after the death of Cade; and the chroniclers hint at no distinction between the treasons before and those after the general pardon.

The pretensions of the house of York, seemingly long forgotten, had been now revived by the popular virtues of the duke of York contrasted with the insignificance of Henry; by the arrogance and violence of Margaret, who bore prosperity so ill and adversity so well; by the loss of France; by the long dishonour brought on the English arms; and by the general opinion that a bodily infirmity attended the mental imbecility of Henry, which was likely to render him the last descendant of John of Gaunt. But this last promise of a pacific issue amidst jarring pretensions was disappointed by the unexpected pregnancy of the Queen, and the birth, seven years after the marriage, of a son. Till that event it seemed possible to preserve the public quiet and avert an armed contest for the crown, by vesting the administration of affairs during Henry's life

* Fabian, p. 625.

in Richard, and leaving the succession to its natural course; which would place the crown on the latter's brow, as the Plantagenet of undisputed legitimacy nearest to the throne. A prince of less estimable and more ambitious a character than Richard might have been well satisfied with so ample a share, in possession or in expectation, of the power and dignity of royalty; but the birth of a prince of Wales blocked up this single road to peace; and, by opening a possible prospect of numerous issue, threatened the whole kingdom with the odious dictatorship of Margaret, continued through the imbecility of her husband, and the minority of a series of perhaps equally suspected children.* The duke of York had impeached the duke of Somerset for the loss of Normandy and Aquitaine; but chiefly with the intention to weaken his power as the Lancastrian leader. It was not till the birth of the prince of Wales that the claims of York began to be seriously made. Though an unfriendly correspondence between York and the King's prompters had subsisted for some time, it seems only to have been one of those military impeachments, which had become a frequent though lawless mode of removing evil counsellors, and which were regarded as a baronial privilege. It is not, indeed, wonderful that the abstract principle of hereditary succession should have been so long kept out of public view. Few pretensions can be more glaringly absurd than that of the Yorkists as far as it barely rested on that supposed principle. The descendants of John of Gaunt had now filled for nearly sixty years the throne to which they had been raised by a solemn parliamentary establishment, confirmed by the general obedience of the whole nation, and by manifold oaths of allegiance from successive generations of the hereditary pretenders themselves. To press the convenient rule of hereditary succession to such an extremity, was to expose society

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* Holinshed, vol. iii. p. 236.

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to that disorder and anarchy from which monarchy was regarded as a refuge. If an inquiry into titles could be thus retrospective, what principle could limit its operation? Surely the heirs of Edgar Atheling, if not those of King Arthur, ought to have been preferred to the descendants of Edward the Third. A restoration after an establishment of sixty years is a revolution, and leads to an endless series of such. The revived establishment is as untried by the existing generation as if it had not subsisted in past times. It seems, accordingly, to have been rather from the personal merit of the duke of York, from the general proximity of his family to the royal blood, from the habit of considering them as presumptive heirs of the crown for the thirty years which had elapsed between the extinction of the Mortimers and the birth of Prince Edward, than from any strong sense or even distinct conception of hereditary right, that the English nation, humbled abroad and agitated at home, began to turn their eyes to the first prince of the blood, and to seek a refuge under his sway from the passionate tyranny of Margaret, whether exercised through an imbecile husband or a minor son.

The civil war between the Red Rose of Lancaster and the White Rose of York is, in every sense, the darkest period of our history within the time in which its outlines are ascertained by documentary evidence. We are no longer enlightened, as in otherwise less advanced times, by such writers as Bede, William of Malmesbury, and Matthew of Paris. A few strokes of Comines throw a clearer and more agreeable light over our story than the scanty information of our own meagre and unskilful writers. This defect in historical materials seems to depend in part on peculiar circumstances in the progress of our literature and language. The war of the Roses fills an insulated space between the cessation of Latin annalists and the rise of English historians.

Men of genius ceased to write in a language, the employment of which narrowed their power over the opinions and applause of their countrymen. During the period which we now contemplate, they may be said to have been pausing before turning their powers of writing towards their native tongue, although this was daily becoming more fitted for their purpose by its successful employment in the contests of the bar and the senate. The nature of the civil war itself, which was merely a personal struggle; the multiplicity of its obscure and confused incidents; the frequent instances of success without ability, and of calamity befalling the unknown and uninteresting; the monotonous cruelty of every party, robbing horror itself of its sway over the soul; together with the unsafe and unsteady position of most individuals, repressing the cultivation of every province of literature, more especially repelled men of letters from relating the inglorious misfortunes of themselves and their country. More obvious causes contributed towards the same effect. The general war often broke out in provincial commotions, which no memory could follow. The mind is often heedlessly perplexed at sudden changes in political conduct, which are the momentary impulses either of fear or hatred.

Some of the opening incidents deserve notice, as curious specimens of a laborious regard paid to the forms and fictions of law amidst the dread of tumult and carnage. Thomas Thorpe, a baron of exchequer, and speaker of the house of commons, who had been, by the duke of York's procurement, committed to prison to enforce payment of a fine, sought his enlargement on the ground of parliamentary privilege. "The lords spiritual and temporal not intending to empeeche or hurt the liberties and privileges of theym that were comen for the commune of this land, for this present parliament," asked the judges whether he ought to be so delivered. The chief justice, in the name of all the judges,

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said, that they ought not to answer to that question ; for "it has not been used aforetime that the justices should in anywise determine the privilege of this high court of parliament ; for it is so high and so mighty in its nature, that it may make law, and the determination and knowledge of that privilege belongeth to the lords of the parliament, and not to the judges." * Thus were the foundations of legal liberty laid amid the violent contests of an ambition merely personal.

In the same parliament (which was holden in the abbey of Reading by John Tiptoft, earl of Worcester, a statesman neither merciful nor spotless, but distinguished as one of the earliest patrons and even cultivators of letters among the English nobility), another scene was exhibited, which lays open to us the deplorable condition of the King. A committee of three spiritual and eight temporal lords was appointed to confer with him on measures of state, or, in plainer language, to ascertain Henry's capacity for government. The bishop of Chester read to him part of his instructions ; to which they could get no answer. "After dinner they moved him again for an answer ; but they could have none. From that place they willed the King to go into another chamber, and he was led between two men to the chamber where he lieth ; and there they stirred him the third time ; but they could have no answer, word, nor sign, and therefore with sorrowful hearts came their way." † Having thus ascertained the total incapacity of the king, the lords chose the duke of York to be protector and defender of the kingdom, which office he accepted ; protesting, however, that he did not assume the title or authority of protector, but was chosen by the parliament of themselves, and of their own free and mere disposition ; and that he should be ready to resume his obedience to the King's commands, as soon as it was notified unto him by the parliament that Henry

* Rot. Parl.

† Ibid. vol. v. pp. 241, 242.

was restored to his health of body and mind. Applying precedents of infancy to a case apparently of temporary idiotey, they then proceeded to a notable expedient—copied in modern and very recent times—commanding the chancellor to frame and seal a commission in the King's name and by his authority, as well as, with the advice and consent of the lords and commons, nominating the infant prince of Wales, when he should reach years of discretion, to be protector of the kingdom; but appointing Richard, duke of York, to exercise the office till that event; the whole to be in force during the King's pleasure.

The duke of York gained the support of the potent earls of Salisbury and Warwick by his marriage with their sister, the Lady Cicely Neville. These lords led into the field the well-trying borderers of Wales. Mowbray, duke of Norfolk, and Courtenay, earl of Devon, were zealous Yorkists. London and its neighbourhood favoured the pretensions of that party. All who had suffered from, or were indignant at, the tyranny of Margaret; all who earnestly sought to avenge the murder of the good duke of Gloucester, or to punish the lawless execution of Suffolk, flocked to the standard of redress, in hopes of winning the possession of the kingly pageant, by whose hand the Queen still ruled the kingdom. Percy in Northumberland, and Clifford in Cumberland, led a border force to the aid of Margaret. She was also supported by the dukes of Somerset and Buckingham, by Edmund of Hadham, earl of Richmond, and Jasper of Hatfield, earl of Pembroke, the King's half-brothers, the issue of the second marriage of his mother Catherine of France, with Owen ap Tudor, a Welsh gentleman, who, as the house of Lancaster became thinned by violent deaths, came gradually to be considered, if not as princes of that family, at least as the chiefs of the Lancastrian party. The court, fearful of the popularity of the Yorkists in the capital,

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May 23. The two parties first met at St. Alban's, to contend with small means for an immense prize; the King being attended to the field by only two thousand soldiers, and the duke by no more than three thousand. The duke, in the humblest language, assured the King of the loyal attachment of himself and his friends to his majesty's sacred person; but added, "Please it your majesty royal to deliver such as we will accuse, and they to have like as they have deserved, you to be honourably worshipped as most rightful king and our true governor." * The King sternly answered these applications by commanding the rebels to disperse, and by declaring that "rather than they shall have any lord that here is with me at this time, I shall this day, for their sake, in this quarrel myself live or die." York considered this refusal as a lawful cause of war. While messages were passing between the two camps, and when the vigilance of the King's officers was somewhat lulled, the earl of Warwick, rushing into the town at the head of his hardy marchmen, threw the enemy into a confusion from which they were unable to recover. The royalists were dispersed. Three of their chiefs, the duke of Somerset, the earl of Northumberland, and Lord Clifford, with less than two hundred of the commoner sort, fell in this engagement, which might rather be called a scuffle than a battle.†

An extraordinary carnage among the commanders was observed by contemporaries to distinguish this fatal war. "In my remembrance," says Philip de Commines ‡, "eighty princes of the blood royal of England perished in these convulsions: seven or eight battles were fought in the course of thirty years: their own country was desolated by the English as cruelly as the

* Holinshead, p. 643.

‡ Memoires, liv. i. chap. vii.; liv.

† Paston Letters, vol. i. p. 100. iii. chap. iv.

former generation had wasted France. Those who were spared by the sword renewed their sufferings in foreign lands. I myself saw the duke of Exeter, the king of England's brother-in-law, walking barefoot after the duke of Burgundy's train, and earning his bread by begging from door to door." Every individual of two generations of the families of Somerset and Warwick fell on the field, or on the scaffold, a victim of these bloody contests.

Immediately after the battle of St. Alban's, York called a parliament, or caused Henry to issue writs for that purpose, in order to sanction his victory by the show of law. At the opening of the session, the King being seated on his throne, with all the display of liberty and dignity, declared the duke of York and the earls of Warwick and Salisbury to be innocent of the slaughter caused at St. Alban's by the duke of Somerset's having concealed a letter from them to the King; and, with the consent of parliament, he pronounced the Yorkist lords, and those who aided them, to be true and faithful liegemen. A general pardon was granted. The parliament was then prorogued till November, when it was opened by the duke of York, under a commission from the King. The duke was elected protector by the lords, on the repeated proposition of the commons; and the chancellor gave the royal assent on behalf of a prince, whose want of capacity to assent or dissent was the avowed occasion of these extraordinary proceedings. At the next meeting of parliament, however, the King appearing personally, exonerated the protector from the duties of his office; for such was the mild phrase by which he was deprived of its high powers. Whatever degree of convalescence Henry had attained, the only effect of his apparent resumption of authority was the transfer of the custody of the royal person from the protector to the Queen. She it was who had probably contrived the dismissal of York, by which she mainly profited; yet

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the change was so pacific, and the acquiescence in it so general, that the protector and parliament must have been influenced by some appearances of sanity in a man whose best health was scarcely more than a shade above total disability. Few men appear to have fallen into a more hopeless state of childishness and oblivion than this unfortunate prince. "Blessed be God," says a contemporary, "the King is well amended; on Monday the Queen came to him, and brought my lord prince with her; and then he asked what the Prince's name was, and the Queen told him Edward, and then he held up his hands, and thanked God for it; he said he never knew till that time, nor wist not what was said to him, nor wist not where he had been since he was sick." *

The secret history of the election for this parliament affords some curious proofs of the solicitude of the lords to acquire an ascendancy in an assembly which was evidently waxing stronger. The duke of York, and Mowbray, duke of Norfolk, had an interview at St. Edmund's Bury, to settle the election for Suffolk. The names of the candidates favoured by these lords were written on strips of paper, which were distributed among their yeomanry. The duchess of Norfolk also desired the votes of her friends for John Howard and Sir Roger Chamberlain, to be knights of the shire; "it being thought right necessary for divers causes that my lord have at this time in the parliament such persons as belong unto him, and be of his menial servants." † These practices are spoken of familiarly, as if they had been the old and general custom, of which no man then living remembered the origin, or censured the observance. Probably in very early times, when the commons were less independent, such interpositions were more open and violent.

For three years after the removal of York, the parties

* Paston Letters, vol. i. p. 80. any gentleman might have been.

† I. e. bred in his service, which Ibid. i. 96.

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rested on their arms, angrily watching each other, and lying in wait for specious pretexts or promising opportunities of mutually crushing their adversaries. It was during this period that the whole people seem gradually to have arrayed themselves as Yorkists or Lancastrians. The rancour of party was exasperated by confinement to narrow circles and petty districts. Feuds began to become hereditary: and the heirs of those slaughtered at St. Alban's regarded the pursuit of revenge as essential to the honour of their families, and as a pious office due to the memory of their ancestors. The delay in an appeal to arms was doubtless partly owing to the formal and wary character of the duke of York, who was solicitous to combine the substance of power with the appearance of law; and who, though a popular candidate for supreme authority, was still withheld by prudence and principle from the bold strokes which often place a more daring ambition between a scaffold and a throne. York and the Nevilles, who were his mainstay, unable to face the revolution at court, made their escape to their domains and fastnesses in the north.

In the beginning of the year 1458, the Queen required the attendance of the Yorkist lords in London to go through the vain ceremony of reconciliation with the Lancastrian chiefs. Both entered the capital at the head of their respective military retainers, with which each garrisoned his dwelling-house; and, after an exchange of professions of forgiveness and promises of kindness, by which neither party was deceived, the disaffected Yorkists returned to their castles. During their unwilling residence in London, the trained bands of the city, amounting to ten thousand, and the active vigilance of Godfrey Boleyn, the mayor, were unequal to the task of restraining the undisciplined licentiousness of the fierce soldiery. Under pretence of tumults existing in London, and of the importance of a journey for the restoration of her husband's health, Margaret,

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who knew the attachment of the Londoners to the house of York, led Henry with her to Coventry, where they, or rather she, held their residence. Thither the Queen, soon after invited the duke of York and the Nevilles to join in the King's sports of hawking and hunting. Either on their journey, or immediately after their arrival in the neighbourhood, they received a seasonable warning of Margaret's project for luring them into the town, where she purposed to destroy them. They fled once more to the seats of their strength; but the detection of so foul a scheme banished the little remains of faith and mercy from the sequel of the war. The duke returned to his castle of Wigmore, the ancient seat of the Mortimers. Salisbury went to Middleham in Yorkshire; and Warwick to his government of Calais, then, in the opinion of Comines, considered as the most advantageous appointment at the disposal of any Christian prince, and that which placed the most considerable force at the disposal of the governor. "But," according to Hall the chronicler, "although the bodies of these noble persons were thus separated asunder by artifice, yet their hearts were united and coupled in one." They planned a junction. Salisbury began his march to join York, and proceeded towards London, in order to rouse the Yorkists of the capital, while the duke remained on the Welsh border to recruit his army. With a force of only five thousand men, Salisbury, before he could effect the junction, encountered double that number under the command of Lord Audley, whom Margaret had despatched to intercept his march. They met at Blore Heath, about a mile from Drayton, on the confines of Shropshire, where Audley was slain and his army defeated. Salisbury joined York at Ludlow; and fortune seemed to smile on the ambition of the respectable pretender to the throne.

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One of the most singular reverses of civil war, however, soon ensued. The combined Yorkists now ad-

vanced to attack the Queen's camp, but with the strongest protestations of loyalty, and declaring their intention to be to remove from the King such persons as were enemies to the commonwealth of England. The earl of Warwick had found means to join his friends from Calais with a considerable body, commanded by Sir Andrew Trollope, a soldier of reputation, but suspected of secret disaffection to the house of York. The onset was made on the 12th of the following October, near Ludlow. The duke appears to have carried his language of loyalty and submission so far as to dishearten his followers, who ascribed it to despondency. The King, or rather the Queen, made the largest offers of pardon and amnesty. Trollope, whether from loyalty or inconstancy, or yielding to baser temptations, deserted with his detachment in the night; and Richard himself employed the perilous stratagem of spreading a report that the King was dead. This elated his troops for a moment, but, as soon as its falsehood was known, so struck down their spirit, that they no longer offered any resistance. The duke of York and his sons made their escape through Wales into Ireland, where his influence was great. The Nevilles took refuge on the continent.

A parliament was holden in the abbey of St. Mary's at Coventry, the principal business of which was to attain the duke of York and his adherents of treason. The acts of this parliament were afterwards determined to be void, on the ground that the electors had been unduly influenced, and many nominated by the crown without any form of election. Another sudden turn of fortune was, however, at hand. The duke of York was preparing to land with some Irish auxiliaries, and was joined by many Welsh. Warwick, also, who had preserved his important government of Calais, landed in Kent, and entered London amidst the acclamations of the people. He advanced to meet the Queen's army, which he encountered near Northampton, and defeated with

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 1460. great slaughter, especially with that carnage among the chiefs of it which was so constant in this war. The King remained inactive in a tent during a contest which, with respect to him, could determine nothing but which of the factions engaged was to possess itself of his body, and to use his name as the tool of their ambition. He was treated by the victors, however, in all other respects, with the outward formalities of politeness. A parliament which soon after assembled at Westminster, annulled at a blow all the proceedings of the late pretended parliament at Coventry. A few days after, Richard, duke of York, made his entry into London, with a sword borne naked before him, with trumpets sounding, and a great train (or small army) of men-at-arms. Having passed through the great hall of the palace, he went to the upper house, where the King and lords used to sit in parliament time, and stepping forward to the royal throne, laid his hand upon the cloth of estate, and seemed as if he were taking possession of that which was his right. It is needless to cite the various narratives of the singular scene which followed, as they are described by our ancient historians, who seldom thought of searching the materials of their relation in original and authentic documents. We now know with certainty, from the rolls of parliament, the claim advanced by Richard, and the remarkable manner in which a claim so unusual was dealt with by the lords. In the same month, his counsel brought into the parliament-chamber a writing containing his claim to the crown of England and France, with the lordship of Ireland. The chancellor put the question, whether such a paper could be read? It was resolved unanimously, that, inasmuch as every person, high or low, suing to parliament of right must be heard, and his petition understood, the writing should be read, though not answered without the King's commandment, as the matter was so high, and of so great weight. The substance of the
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claim was, that Richard, being the son of Anne Mortimer, daughter of Roger earl of March, the son and heir of Philippa, daughter of Lionel duke of Clarence, the second son of Edward the Third, was entitled to the crowns of England and France, before any of the progeny of John of Gaunt, who was the third son of the same Edward. On the next day the lords waited on Henry in a body. He commanded them to search for all matters which furnished an answer to this claim. They dutifully and courteously referred the question to the king's historical knowledge, whom they represented as well read in the chronicles. The judges, however, were directed to attend, and to give their advice in devising arguments for the King. The wary magistrates, in declining the hazardous honour, made answer that they had to determine matters between party and party which came before them in the course of law, and in such matters they could be counsel; and as it had not been accustomed to call the justices to council in such matters, and especially as the matter was so high, and touched the King's estate and regality, which was above the law and passed their learning, therefore they durst not enter into any communication relating to it. The King's serjeants and attorney, being desired to give an opinion, answered that, since the matter was so high that it passed the learning of the justices, it must needs exceed their learning. The lords, however, directed these last, as counsel for the King, to draw up the required answer. They urged the oath of allegiance, the acts of parliament which established or supposed his will, and the entail of the crown on the house of Lancaster. To this it was replied that unlawful oaths are not binding, and that the statutes themselves are of no force against him that is right inheritor of the said crowns as it accorded with God's law and the law of nature. The lords at length proposed a compromise, by which they imagined that the hereditary right of the

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duke might be preserved without breach of their own oath of allegiance to the King; namely, that the King should keep the crown and dignity royal during his life, and that the duke and his heirs should succeed to him in the same. The infant prince of Wales was passed over in silence, and it was tacitly assumed that an oath of allegiance does not in a hereditary monarchy imply the duty of allegiance to the legal successor. These and other irregularities or subtleties were almost inseparable from the nature of a political compromise; and were willingly and very reasonably offered as a sacrifice to the hope of establishing the public quiet. Although it must be owned that the attachment of London to the duke, and the force by which that prince maintained his claims, contributed largely to the success of the treaty; yet it is equally indisputable that the submission, even apparent, of the King and the duke to the judgment of parliament, concerning the claims of the possession of or succession to the throne, must have raised the authority and dignity of that assembly in the estimation of the public more than perhaps any other occurrence. The power of suppressing revolts, and of resisting adversaries from France or Scotland, or, in other words, the whole command over armed forces, was vested in the duke. To resist his authority, or to compass his death, was made treason; and so full was the transfer of the regal powers to him, that it was deemed necessary to declare, in express words, "that none of the lords or commons are bound to attend or assist him in any other form than they are now bound by law to do to the King."*

The duke of York, knowing how ill Margaret's spirit would brook such concessions, procured the King's commands, requiring her attendance and that of her son in London; but the warlike dame assembled a considerable army to rescue the King, and marched to the northern

* Rot. Parl., vol. v. p. 383.

provinces, where Northumberland and Clifford joined her. The custody of the King was committed to the duke of Norfolk and the earl of Warwick. York proceeded to his castle, near Wakefield, where his wisest counsellors advised him to remain till his son, Edward, earl of March, should arrive at the head of the powerful succour which he was leading to the help of his father. Whether York was actuated solely by the pride of prowess, and impatience of inaction; or whether he was ensnared by his adversaries, who, with pretended chivalry, had challenged him to battle for one day, and attacked him on another, when many of his followers were foraging on the faith of the challenge; or whether we adopt the conjecture of some modern writers, that the veteran commander was compelled to quit his stronghold by want of provisions, it is at least certain that, on the last day of the year, he had no sooner marched with his scanty force into Wakefield Green, where he was exposed to attack on every point, than troops, placed by Margaret in ambush, burst upon him from all sides, throwing his party into such a state of confusion and panic, that, within half an hour of the onset, they were totally defeated. Some writers tell us, that, being taken prisoner, York was put to death with deliberate mockery. Those who represented him as killed in fight, add to their relation, that his inanimate remains were treated with the most brutal indignity; that his head, crowned with a paper diadem, and after the fierce Margaret had glutted her eyes with the sight, was nailed to one of the gates of the city of York. In the pursuit, Clifford, a furious Lancastrian, whose father had perished in the slaughter at St. Alban's, overtook a handsome stripling of twelve years old, clad in princely apparel, whom his preceptor, a venerable priest, faithful to the last, was conducting from the bloody field, in hopes of shelter in the town. Clifford, surprised at the dress of the boy, loudly asked, "Who is he?" The unconscious youth

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 VI. cried the aged tutor; "he is the son of a prince, and
 1461. may peradventure do you good hereafter." Clifford,
 shouting "The son of York! thy father slew mine, I
 will slay thee and all thy kin," plunged a dagger into
 his heart. The earl of Salisbury, with twelve other
 Yorkist chiefs, was the next day, with some ceremony,
 executed at Pomfret; a circumstance which somewhat
 confirms the relation of those who describe York as
 having been killed in the heat of action; for, had he
 survived it, it is probable that his execution would have
 been reserved for this bloody ceremonial.

Almost all the historians who have transmitted accounts of the duke of York, lived under the rule of his enemies; yet, through their narratives, we cannot but see how faithfully and long he served his competitor. We discern his mild and courteous demeanour to the King when vanquished. The long life of this unhappy prince may in fact be regarded as a proof of the conqueror's humanity; and we shall find it hard to point out another ruler of the middle age, who, though he fought his way to the throne, has left a name spotted with fewer atrocities.

Edward, earl of March, now duke of York, who inherited all the rights and pretensions of his family, heard at Gloucester of the death of his father, of the revenge taken on his innocent brother, and of the more formal butchery of his most important friends. Being supported by the Welsh borderers, whose attachment to the house of Mortimer was unextinguished, he was about to march against Margaret and the murderers of his father, at the head of an army of twenty-three thousand men. But the earls of Pembroke and Ormond, with a formidable force of Welsh and Irish, hanging on his rear, he first turned upon them, and brought them to battle at Mortimer's Cross, in Herefordshire, where he defeated and dispersed them. They are said to have

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left three thousand eight hundred men dead on the field. The earls of Pembroke and Ormond escaped; but Sir Owen Tudor, husband of the queen-dowager of France, was, with other Welsh chiefs, beheaded the next day at Hereford. The Queen marched southward, at the head of the army which had been successful at Wakefield. The approach of these bands of rude and lawless mountaineers was dreaded by the people of the capital, who expected universal pillage and outrage. "Here," says a contemporaneous authority, "every one is willing to go with my lords*: and I hope God shall help them; for the people in the north rob and steal, and be appointed to pillage this country."† Margaret advanced towards London, having sharpened the appetite of her borderers by promising that she would give them the whole country south of Trent to be pillaged.

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Both parties once more met in battle at St. Alban's. The Yorkists, under the duke of Norfolk and the earl of Warwick, brought with them the captive King. For a time the Yorkists or southern men seem to have been successful; but a confused scuffle in the streets of St. Alban's, and a more serious engagement in the plain to the northward, ended in the success of the Lancastrians. The lords who surrounded the King, and, as his gaolers, were probably more odious than the rest, changed the discomfiture into a defeat, by providing somewhat prematurely for their own escape. Lord Bonville and Sir Thomas Kiriell alone stayed to console the unhappy puppet, trusting to the King's word, which had been pledged for their safety; but they soon learned the folly of such a trust. The first use of victory made by Margaret was to command that both should be beheaded; or, according to other narratives, the execution of these generous men was her last act of power when on the eve of her northern march. Henry expressed, and perhaps

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* The earl of Warwick, &c. (Clement Paston to his brother John,

† Paston Letters, vol. i. p. 202. Jan. 23).

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felt, some gratification at once more embracing his wife and son after so long a separation. The north country-men began to plunder the suburbs of London; but were repulsed by the inhabitants, who hated more than they feared the plunderers. A deputation of aldermen was ordered to repair to Barnet to conduct the royal family to the metropolis; but all these measures were broken by the march of Edward of York to the aid of London, always devoted to his family. "Little trusting Essex, and less Kent, but London least of all, she (the queen) departed from St. Alban's to the north country, where the root of her power was." *

March 2.

Meanwhile Edward and Warwick entered the metropolis amidst the applause of the people of the city and of the surrounding counties. Edward laid his claim before a council of lords, charging Henry with breaking the agreement which the lords had negotiated, by his presence in the enemies' camp; and alleging that he was altogether incapable of performing the duties of sovereign power. In the afternoon, an immense multitude were assembled in St. John's Fields; and, having heard the statement of Edward's claim made by Lord Falconbridge, were asked by that nobleman "whether they would love and obey Edward, earl of March, as their sovereign lord." They answered, "Yea, yea," crying "King Edward!" with shouts and clapping of hands. On the next day, he was proclaimed by the style of EDWARD THE FOURTH. With such a tumultuary initiation of the most extreme democracy was accomplished the choice or recognition of a monarch, whose title could only be justified by the adoption of the most extravagant notions, not only of hereditary, but of indefeasible and even divine right. If speculative opinions ever did exercise much influence over the conduct of men, it might have been expected that such influence would have been greatest in the weightier concerns of life, were it not that on these

* Hall, p. 250.

occasions the passions are most strongly excited; that they impel the ambitious to choose the expedient most effectual at the instant, and to make any sacrifice of consistency, if the ruling passion be thereby enabled to grasp its immediate object.

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Edward, one of the few voluptuaries who never lost his activity and vigilance, pursued his enemies into the north, deferring the vain ceremony of coronation till after his success and his return. He at once began his march, having sent Lord Fitzwalter before to secure the pass of Ferrybridge, on the river Aire, in Yorkshire. Somerset, Northumberland, and Clifford, the commanders of the Lancastrian army, left the deposed Henry, Margaret, and the young prince, at York: they themselves resolved to recover Ferrybridge; and Clifford soon after accomplished that object. Such, say the annalists, were the latter's deeds of savage revenge, that no man shared his anger or pitied his fall. After proclamations had been issued on both sides forbidding quarter, the two armies came within view of each other near Towton, a village about eight miles from York. The numbers were greater than had hitherto met in this civil war; the Lancastrian army being computed to contain sixty thousand men, and the Yorkist forty thousand. Edward resolved to attempt the recovery of the pass the next day. If we may believe some writers, he only published the proclamation against quarter because he deemed his inferiority of numbers a justification of that barbarous menace. Warwick, in despair at the loss of so good a position, rode up to Edward, and, dismounting, shooting his horse through the head as a signal for an attack which admitted of no retreat, called aloud, "Sir, God have mercy on their souls who for love of you in the beginning of their enterprise have lost their lives. Yet let him flee who will flee: by this cross (kissing the hilt of his sword) I will stand by him who

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will stand by me!" During a constant succession of irregular skirmishes which made up this fierce battle, it was found impossible to cross the river at Ferrybridge; but a fresh body of troops was brought to the aid of Edward by the duke of Norfolk, who found means to pass the river at Castleford, about three miles above, and thereby turned the flank of the enemy, which was commanded by that Clifford, memorable for the ferocity with which he had avenged his father's death. For ten hours on Palm Sunday the battle was continued with valour and rage. At length the northern army gave way, after having left dead the earl of Northumberland and Lord Clifford, with about twenty thousand men.* On Monday, Edward entered York triumphantly, but not until he had taken down from the gates the head and limbs of his father. The sight of them so incensed him, that he gave immediate orders for beheading Courtenay, earl of Devon, with three of his fellow-commanders. In the three days of the battle, thirty-seven thousand Englishmen are said to have fallen. Margaret fled with Henry and the prince towards Scotland, followed by several of her most important adherents. Henry was left at Kirkcudbright with four attendants. Margaret went to Edinburgh with her son; and we still possess a list of about twenty-five refugees of distinction who accompanied her. Among these was Sir John Fortescue, the celebrated instructor of Henry's son, and Sir Edmund Hampden, whose name is now so inseparably connected with events auspicious to liberty, that we naturally expect to find it among the champions of a parliamentary establishment against the partisans of hereditary right. The important fortress of Berwick was ceded by Henry to the king of Scots as the price of succour. Margaret went to France to levy recruits and to obtain allies; but she found Louis fully occupied with preparations of his own for the contest with his

* Paston Letters, vol. i. p. 219.

vassals and subjects, known under the name of "The War of the Public Good."

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On Edward's return to London after the victory, he was crowned. Shortly afterwards he called a parliament, which, by confirming all the judicial acts, creations of nobility, and most other public proceedings in the time of Henry the Fourth, Henry the Fifth, and Henry the Sixth, "late in fact, but not of right, kings of England," * branded an establishment of half a century with illegality, and first introduced into English law a dangerous distinction, pregnant with those evils from a disputed title which hereditary monarchy can only be justified by its tendency to prevent.

When parliaments at this time were at leisure from their ordinary occupation of raising up or deposing sovereigns, they applied themselves very diligently to regulate commerce. It is hard to say whether the regulations which they proposed more betray their strong sense of the rising importance of trade, or their gross ignorance of its true nature, and of the only effectual means of promoting it. The importation of foreign corn was prohibited, because it ruined the people by making their food cheap; and foreign manufactures were forbidden wherever the like articles could be produced at home; disregard being shown in both cases to the interest of the body of the people who consumed food, and who wore clothes. But the same astonishing errors still pervert the judgment of perhaps the majority among us; and we must not blame the parliaments of the fifteenth century for prejudices which, to this day, disfigure the statutes of the nineteenth.

After passing two years in suing for aid in France, Margaret returned to Scotland with only five hundred French troops, which enabled her to make an inroad into England at the head of Scottish borderers, always easily collected for such a purpose. After several in-

* 1 Edw. 4. c. 1.

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decisive skirmishes, Lord Montacute, the commander of Edward's forces, completely routed the Lancastrians near Hexham in Northumberland. The duke of Somerset, their commander, was beheaded on the spot; twenty-five gentlemen of his band, with little more form of law, were executed at York. Henry escaped by the speed of his horse; but some of his attendants were recognized by their horses' housings of blue velvet. One of the prisoners bore the unhappy prince's helmet. His high cap of estate, with two rich crowns, was in a few days presented to Edward at York, as part of the personal spoils of his competitor. Henry himself, with a few companions, long hid themselves in the caves in the mountainous districts of Yorkshire, Westmoreland, and Cumberland. The earl of Kent was taken in Redesdale, and was beheaded at Newcastle. Sir Humphrey Neville, who lurked in a cave in Holderness, was put to death at York. Edward spilt the blood of his opponents with wanton prodigality, while he squandered honours and estates with a lavish hand among his adherents. France and Scotland, yielding to his ascendant, made advances of reconciliation to him. Margaret found a refuge for herself and her son among the powerful vassals of France. But the condition of her wretched husband in Scotland became more precarious. Fearing the secret intercourse of Edward with the king of Scots, he secreted himself on the borders, where the doubtful jurisdiction, the wild life of the inhabitants, and their precarious allegiance, would afford him facilities for sudden and rapid escape. Either misled by Edward's spies, and unacquainted with the boundaries, or despairing of security in Scotland, or perhaps in one of his fits of idiotcy, Henry threw himself into England, where, from authentic documents, it appears that, while sitting at one of his few and troubled meals, at Waddington Hall in Lancashire, he was detected by Sir James Harrington, the testimony of whose

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treachery is perpetuated by the grant of large estates. Neville, earl of Warwick, a man distinguished by all the good and bad qualities which shine with most lustre in a barbarous age, who had been left in command at London by Edward, made his late sovereign taste all the bitterness of proscription. He placed the ill-fated Henry on a horse, under whose belly his feet were fastened, and in that condition led him through Cheapside to the Tower, where he was now received and treated as a prisoner. Margaret made her escape through Scotland into France with her son and his famous preceptor. During his exile, this learned person had an opportunity of making many of the remarks on the difference between a despotic and a limited monarchy, as exemplified in France and England, which shows that these opposite systems had even then made a visible and deep impression on the condition and character of neighbouring and kindred, though frequently hostile, nations.

In the mean time the new King applied himself to public affairs with his characteristic vigour. According to the maxim of Machiavel, he made a terrific slaughter of his enemies in the first moment of victory; and, in his subsequent administration, treated the vanquished party with a politic parade of clemency. Edward was well qualified by his gallant bearing to inspire love, and in its lower sense he was prone to feel it. For a time he revelled in the licentious gratifications which were open to a young, handsome, and victorious king. Princesses of Castile and of Scotland had already, however, been spoken of as likely to be wedded by him. The earl of Warwick had been authorised to negotiate with Louis for the marriage of his sister-in-law, the Princess Bona of Savoy, afterwards duchess of Milan, to the king of England.

An incident, however, occurred which disturbed these projects of high alliance, and contributed to revive

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troubles which seemed ready to expire. Hunting one day in the forest of Whittlebury, near Stony Stratford, Edward casually met a young lady, by whose attractions his susceptible temperament was instantly affected. She was the daughter of Jacqueline of Luxemburg, duchess dowager of Bedford, by her second husband, Sir Richard Wydville, a private gentleman, who, soon after this adventure, was created Earl Rivers. The young lady herself, Elizabeth Wydville, youthful as she was, had already been married to Sir Thomas Gray, who fell in the Lancastrian army at the second battle of Barnet. Whether these obstacles served to stimulate Edward's passion, or whether he was charmed by her composed demeanour, her graceful form, her "pregnant wit," and her "eloquent tongue," (for her countenance is said to have been not beautiful), certain it is, that when dame Elizabeth made a humble suit to the King she prevailed more rapidly than other suitors. The manners of Edward were so dissolute as to countenance a rumour that he had tried every means of seduction before he offered her his hand and crown. Even though we should without just ground refuse the praise of unmingled virtue to her resistance, still it would not lose its right to be accounted virtue, merely because it called to its aid the dictates of a commendable prudence and an honourable ambition. From whatever motive, or mixture of motives, however, she acted, she was steady in her rejection of an illicit union. The King at length consented to a private marriage, which was solemnised at Grafton. The bride and bridegroom, a priest, a chanter, two gentlemen, and the duchess of Bedford, were the only persons present at the solemnity. The King, after remaining a short time, returned to Stony Stratford, where he went to bed, affecting to have been occupied by the chase. He speedily imparted his secret, however, to Sir Richard Wydville, but contented himself with stolen visits to his bride. She was

acknowledged at Michaelmas, and crowned with all due splendour on Ascension-day of the following year.

This union displeased the powerful and haughty Warwick; who did not easily brook the breaking off which it occasioned of the negotiation for the Princess Bona in which he had been employed. He blamed, with reason, the levity with which Edward incurred the resentment of powerful princes; by alliance with whose families he, in his wiser moments, sought to strengthen himself. The sudden elevation of the Queen's family to office and honour awakened the jealousy of the nobility, and especially of Warwick, who had received the alarming name of the "King-maker," and was one who might be impelled by resentment and pride to prove that he could pull down as well as set up. His means of doing good and harm were most extensive. To the earldoms of Warwick and Salisbury, with the lands of the Le Despencers, he added the offices of great chamberlain and high admiral, together with the government of Calais, and the lord lieutenancy of Ireland. The income of his offices alone is said by Commynes to have amounted to eighty thousand crowns a-year. Not satisfied with these resources, he accepted a secret pension and gratuities from Louis, the exposure of which lays bare the mean heart that often lurked beneath knightly armour.* Perhaps a report of this dishonourable correspondence might have alarmed Edward; while Warwick would consider his patrimonial estate as in some danger from the rapacity of the upstart Wydvilles.† Warwick gave no small token of estrangement by wedding his daughter to George, duke of Clarence, Edward's brother,

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* Note on Commynes, vol. i. p. 149.

† He was sent minister to France, Burgundy, and Brittany, immediately after Edward's marriage, per-

haps with the double purpose of soothing his anger and abating his personal influence.—Rymer, vol. xi. p. 541.

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VI. ledge, of the monarch.

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After several altercations, followed by formal and superficial reconciliations, Warwick broke out into open revolt against Edward, which gave rise to two years of more inconstancy and giddiness, more vicissitudes in the fortune and connection of individuals, and more unexpected revolutions in government, than any other equal space of time in the history of England. About the beginning of that time the men of Yorkshire, under the command of Robin of Redesdale, a hero among the moss-troopers of the border, took the field to the number of sixty thousand men. Their manifesto complained of the influence of evil counsellors over the King, and of other matters more likely to have been suggested by barons than by boors. The insurgents were checked by Neville, earl of Northumberland; but they were dealt with so very leniently by him as to strengthen the suspicion that the discontents of the Nevilles had ripened into projects of rebellion. Warwick, too, was deeply suspected of being inactive only till he was armed. The revolters, after being defeated in an imprudent attack on the royalists at Edgecote, were finally dispersed. It seems to have been the last heave before the earthquake. The execution of two Wydvilles, father and son, favourites of the King, seemed to indicate that some of the leaders against the peasants were ill-affected to the court. The duke of Clarence and the earl of Warwick returned from Calais, apparently in obedience to the King's summons. It appears from the records*, that several feigned reconciliations were effected, ending in a royal declaration against Clarence and Warwick as rebels. The remaining part of our information does not flow from so pure a source, and is indeed both scanty and perplexed. Clarence and Warwick, at length compelled to quit

* Rymer, vol. xi. pp. 447—461.

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England, were, under specious pretences, refused permission to land at Calais by Vauclere, the lieutenant of that fortress, a wary officer, who was desirous to retain the liberty of finally adhering to whichever cause should be successful.* Louis now openly espoused the cause of these malcontent barons. Under his mediation Margaret and Warwick, so long mortal enemies, were really reconciled to each other through their common hatred of the King of England, and concluded a treaty, by which it was stipulated that Prince Edward should espouse Anne Neville, Warwick's daughter; that they should join their forces to restore Henry; and that, on failure of issue by the prince, the crown should devolve on Clarence. Meanwhile, Edward seems to have been seized with an unwonted fit of supineness. His only exertion, that of going to Northumberland, where the borderers now favoured their new masters, the Nevilles, more than their ancient lords of the house of Percy, was even more prejudicial to him than inaction, by placing him so far from the capital that the fate of the kingdom might be determined before he could learn the existence of danger. The approach of Warwick shook the fidelity of the troops; and Edward was compelled to make his escape to Holland. Warwick, by the aid of Clarence, and in the name of Henry, resumed the supreme power.† Edward, by the connivance of the duke of Burgundy, collected a body of Flemings and Dutchmen, with whom he landed at the mouth of the Humber. His advance towards London obliged Henry's army, commanded by Warwick, to take a position at Barnet, where a battle was fought, which proved much more important in its consequences than could have been conjectured from the small number of the slain,

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* Commynes, vol. iii. p. 4.

vol. xi. pp. 661—707. It confirmed the engagement between the prince and Warwick.

† A parliament was as usual called, of which some of the proceedings are to be found in Rymer,

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estimated by an eye-witness to have been no more than one thousand. On Edward's side were killed the lords Cromwell and Say, with some gentlemen of the neighbouring country. The great event, however, of the day was, that Warwick, and his brother, Montagu, were left dead on the field. By their deaths, the greatness of the house of Neville was destroyed. Warwick is the most conspicuous personage of this disturbed reign; and the name of "King-maker," given to him by the people, well expresses his love of turbulence for its own sake, and his preference of the pleasure of displaying power to that of attaining specific objects of ambition.

Another contest still remained. The undaunted and unwearied Margaret had levied troops in France, at the head of which she landed at Weymouth on the very day of the battle of Barnet. The first event of which she received tidings was the fatal battle. Her spirits were for a moment depressed. She sought sanctuary for herself and her son in the monastery of Beaulieu. But the bolder counsels of the Lancastrian lords who had escaped from Barnet resumed their wonted ascendant over her masculine mind. Pembroke had collected a considerable force in support of her cause in Wales. If she had been able to pass the Severn, and form a junction with him, there was still a probability of success; but the inhabitants of Gloucester had already fortified their bridge, and Edward had taken a position which commanded the pass of Tewkesbury.

May 14. The battle of Tewkesbury concluded this sanguinary war. The defeat of the Lancastrians was complete. Courtenay, earl of Devon, Sir Edmund Hampden, and about three thousand fighting men, were slain. Next day the duke of Somerset and the prior of St. John were beheaded, after a summary trial before the constable and the marshal. Search was made, and a reward offered, for Prince Edward, who was shortly taken prisoner, and brought before the King, by Sir Richard

Crofts. The King said to him, "How dare you presumptuously enter into my realm with banner displayed?" Whereunto the Prince answered, "To recover my father's kingdom and heritage, from his father and grandfather to him, and from him to me, lineally descended." At these words, Edward said nothing, but thrust the youth from him, or, as it is said, "struck him with his gauntlet, when he was instantly put to death by the dukes of Clarence and Gloucester, Lord Dorset and Lord Hastings;"* a display of barbarous manners among persons of the highest dignity, which it would be hard to match among the most embruted savages. It must not, however, be forgotten, that it passed in the first heat and irritation of battle; that the nearest observers might have overlooked some circumstances, and confounded the order of others; and that the omission of a provoking look or gesture (to say nothing of words or deeds) might give a different colour to the event. Margaret and her son having been declared rebels by the King a few days before, the barbarous chiefs might have deemed the assassination of the prince as little differing from the execution of a sentence; and perhaps thought that by sparing Margaret they had earned the praise of knightly generosity.

Shortly after Edward's victorious return, Henry breathed his last in the Tower, where much of his life had been passed, either as a state-puppet or as a prisoner of war. He is generally stated by historians to have died by violence; and the odium of the bloody deed has chiefly fallen upon Richard, duke of Gloucester. The proof of the fact, however, is disproportioned to the atrocity of the accusation. Many temptations and provocations to destroy him had occurred in a secret imprisonment of nearly ten years. It is rather improbable that those who through so many scenes of

* Holinshed, vol. iii. p. 320.

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blood had spared "the meek usurper's hoary head," should, at last, with so small advantage, have incurred the odium of destroying a prince who seems to have been dear to the people for no other quality but the regular observance of petty superstitions. He was as void of manly as of kingly virtues. No station can be named for which he was fitted but that of a weak and ignorant lay brother in a monastery. Our compassion for the misfortunes of such a person would hardly go beyond the boundary of instinctive pity, if an extraordinary provision had not been made by nature to strengthen the social affections. We are so framed as to feel as if all harmlessness arose from a pure and gentle mind; and something of the beauty of intentional goodness is lent to those who only want the power of doing ill. A man in a station such as that of a king, generally surrounded by power and dignity, is apt to be considered as deliberately abstaining from evil when he inflicts none, although he be really withheld, as in the case of Henry, by an incapacity to do either good or harm. Nature, by an illusion more general and more momentous, benevolently beguiles us into a tenderness for the beings who most need it, inspiring us with the fond imagination that the innocence of children is the beautiful result of mature reason and virtue; a sentiment partaking of the same nature with the feelings which dispose the good man to be merciful to his beast.

The war with France which followed the civil wars, unattended with any memorable events, was closed by the treaty of Pecquigni, by which provision was made for large payments of money to Edward, and for the marriage of the Dauphin to his eldest daughter. Margaret of Anjou was set at liberty on payment by Louis of fifty thousand crowns. She survived her deliverance about seven years, during which, having no longer any instruments or objects of ambition, she lived quietly in

France. The earl of Richmond, the grandson, and the earl of Pembroke, the second son, of Catherine of France, by Owen Tudor, took refuge from the persecution of the Yorkists at the court of Brittany. By the marriage of Edmund Tudor, earl of Richmond, with Margaret Beaufort, the last legitimate descendant of John of Gaunt's union with Catherine Swinford, Henry, earl of Richmond, the surviving son of that marriage, remained the only Lancastrian pretender to the crown.

The quarrel of Edward with his brother the duke of Clarence; the share of the latter in Warwick's defection; and the levity which led him to atone for his desertion of Edward by another desertion from Warwick, have already been related summarily. The reconciliation, probably superficial from the first, gave way before the collisions of the interests and passions of the princes of a royal race, at a period when the order of inheritance was so often interrupted. The final rupture is said to have been produced by a singular incident. Thomas Burdett, a man of ancient family in the county of Warwick, one of the gentlemen of Clarence's bedchamber, is said to have had a favourite buck in his park at Arrow, which the King, when sporting there, chanced to kill. Burdett, as we are told, in a transport of rage, declared that he "wished the horns in the belly of him who killed it." It is not known whether this was more than a hasty expression, or even whether Burdett then knew the King to be the killer. He was, however, immediately imprisoned, and very summarily put to death. Clarence, who had spoken angrily of the execution of his friend, was attainted of treason for his hasty language, and of sorcery to give to Burdett's expression the dire character of necromantic imprecation. The commons importuned the King to give orders for his brother's execution; an act of baseness not easily surpassed. Edward, however, had some repugnance to the public execution of a prince. Clarence was accordingly

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privately put to death. The prevalent rumour was, that he was drowned in a butt of malmsey; a sort of murder not indeed substantiated by proof, but very characteristic of that frolicsome and festive cruelty which Edward practised in common with other young and victorious tyrants.

Some incidents in the lives of individuals open a clearer view into the state of England during this calamitous period, than public documents or general history can supply. Among these may be numbered the romantic tale of the "shepherd," Lord Clifford. The reader already knows that the Cliffords, a martial and potent race of the northern borders, afterwards earls of Cumberland, had embraced the Lancastrian cause with all the rancour of an hereditary feud. John, Lord Clifford, had been killed at the battle of St. Alban's. At the battle of Wakefield, another John, Lord Clifford, revenged the death of his father by the destruction of the young earl of Rutland, eldest son of the duke of York; to say nothing of the slaughter which procured for him in that action the name of "the butcher." At the battle of Towton this interchange of barbarous revenge was closed by the death of Lord Clifford and the disappearance of his children. Henry, his eldest son, was then only seven years of age. But Lady Clifford, the mother, eluded the rigorous inquiry which was made for the children. She then resided at Londesborough in Yorkshire, where she placed her eldest son under the care of a shepherd who had married his nurse. Sometime after, however, on a rumour prevailing that the boy was still alive, the court renewed the jealous search, and his mother removed the faithful shepherd with his family to Cumberland, where he dwelt sometimes on the debatable ground, at other times at Threlkeld, near the seat of her second husband. At this place she privately visited her beloved child. Subsequently, on the accession of Henry the Seventh, at the age of thirty-one, he

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was restored to the honours and estates of his family. Every part of his training had been so much of a piece with his outward station, that he was not taught to read, and learnt to write only his name. He built the tower of Barden, which he made his residence by reason of its neighbourhood to the priory of Bolton; that he might converse with some of the canons of that house who were skilled in astronomy, for which his life as a lonely shepherd had inspired him with a singular taste. Amidst the beautiful scenery of Bolton, or in his tower of Barden, he is said to have passed the remainder of his days. His death occurred when he had reached his seventy-second year, after a life the greater part of which was spent in the calm occupations of science and piety. It is hard to conceive any struggle more interesting than that between the searching jealousy of the tyrant and the perseverance and ingenuity of a mother's affection in guarding her progeny from the vulture.*

Many of the long concealments and narrow escapes of Henry himself and his consort attest, like the story of Lord Clifford, the condition of the borders; thinly peopled by predatory tribes, mixed with a few priests and fugitives from justice, who had so little amicable intercourse with their neighbours, that even kings and barons could long lie hidden among them undiscovered by their enemies.

The remainder of Edward's reign was chiefly employed in apparent preparations for renewing the pretensions of his predecessors to the crown of France, with no serious intention, as it should seem, to execute his threat, but in order to obtain money in various modes from Louis, from the house of commons, and the nation at large. The senseless pursuit of aggrandisement in France was still popular in England. Parliament granted no subsidy so gladly as one for conquering France. The practice of raising money by what was called "benevo-

* Wordsworth.

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lences" was rendered almost acceptable when it was to be applied for this purpose. They had originally been voluntary contributions, for which the King applied to the wealthier of his subjects. The odium of refusal was so great, that they were gradually growing into a usage which would shortly have ranked with positive law.

The most dangerous of purposes in threatening France with war, was the King's obtaining pensions from Louis for himself and his ministers. That wily monarch thought the most effectual means of attaining his ends, whatever these might be, were to be always chosen, without regard to any other consideration. By the treaty of Pecquigni, a present gratification of seventy-five thousand crowns, with an annuity of fifty thousand more, were to be paid by Louis to Edward. It was impossible that this example should not be followed. Lord Hastings and the chancellor now accepted pensions of two thousand crowns each; twelve thousand more were distributed among the marquis of Dorset, the Queen's son, the Lords Howard and Cheyne, and other favourites. This pernicious expedient opened to the needy and prodigal prince immense means of supply, independent of grants from parliament, and which might even be easily concealed from that assembly. The territories of the crown might thus be alienated, or the strongholds of the kingdom placed in the hands of foreigners. To the pensions were added occasional gratuities to an amount scarcely credible. Lord Howard, within two years, received twenty-four thousand crowns; Lord Hastings received "twelve dozen silver gilt bowls, and twelve dozen of the same plain; each of which weighed seventeen nobles." The receipts of the English politicians for these dangerous gifts were preserved in the public offices at Paris. At first, the permission of the crown was probably obtained; the ministers then might flatter themselves that, though they accepted the money, it was only to obey the commands and promote the policy of

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their master; but during an intercourse in which both parties must have learned to despise each other, it was impossible that the ministers should not have been tempted to deal clandestinely with the foreign government, and finally, with however slow steps, that they should not have slidden into the miserable condition of its hireling agents. Lord Hastings, in these corrupt transactions, showed some glimmering of a sense of perverted and paradoxical honour. Cleret, the paymaster of the English ministers, after one of his payments, softly insinuated the propriety of a written acknowledgment. Hastings, without disputing Cleret's demand, answered, "Sir, this gift cometh from the liberal pleasure of the King your master, and not from my request: if it be his determinate will that I should have it, put it into my sleeve; if not, return it; for neither he nor you shall have it to brag that the lord chamberlain of England has been his pensioner."*

Louis postponed the marriage of the dauphin, with a view to a union with some heiress, whose territory might be united to the crown. Edward discovered at last that Louis was amusing him with vain promises. The King's death is ascribed by some to mortified ambition; by others to one of those fits of debauchery which had now succeeded the vices of youth, and converted his elegant form and fine countenance into the bloated corpulence of depraved and premature age. Either cause of death suited his character, and might naturally have closed such a life: for the shortest and yet fullest account of his character is, that he yielded to the impulse of every passion. His ambition was as boundless as his revenge was fierce. These furious passions together made him cruel, faithless, merciless, and lawless. Nothing restrained him in the pursuit of sensual gratification. He squandered on his mistresses the foreign bribes which were the price of his own dis-

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* Holinshed, vol. iii. p. 342.

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honour. To fear and its abject train alone was he a stranger. It can scarcely be said with truth that he was exempt from any other species of vice; unless we except avarice, which would have bridled him more than his impetuous appetites could have brooked. Sir Thomas More tells us, that his licentious amours rather raised than lowered his popularity, by inuring him to familiar intercourse with women of the middle class. The year before his death, he entertained the lord mayor and aldermen at Windsor, and distributed his presents of venison liberally among them, thus winning the hearts of the common people, who often esteem a little courtesy more than a great benefit.

EDWARD THE FIFTH nominally reigned over England for two months and thirteen days. His imaginary rule began and ended in his fourteenth year. In that brief space revolutions of government occurred of which not one was unstained by faithless, deliberate, and cruel murder; and it was closed by a dark and bloody scene, which has become the subject of historical controversy rather as an exercise of paradoxical ingenuity than on account of any real uncertainty respecting the events which occurred in the blood-stained summer of this year.

Scarcely had Edward begun to reign, when new factions sprang up from the jealousy always felt towards court favourites by the ancient nobility. Such factions characterise the Plantagenet reigns, and more especially those of the princes of York; who, having long been subjects, continued their habits of intermarriage with subjects. Perhaps this disposition gained accession from the temperament and propensities of the amorous Edward; who, long after he had been notoriously unfaithful to the queen, continued to load her kindred with honours and wealth. Among the court or queen's party, the principal persons were her accomplished brother, Earl Rivers, her sons by her first marriage, the

marquess of Dorset and Lord Richard Grey, and her brother-in-law, Lord Lisle. The noblemen who were the personal friends of the late king as well as the ancient adherents of the house of York, such as the Lords Hastings, Stanley, and Howard, were jealous of the Wydviles, and waited with impatience the appearance of two princes, who might balance the influence of the favourites: Richard, duke of Gloucester, who was commanding in the war against Scotland; and Henry, duke of Buckingham, the descendant of Thomas of Woodstock, the sixth son of Edward the Third.

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The youthful Edward was at the time of his accession at Ludlow Castle, in the hands of his mother's family. As soon as Richard learnt the tidings of his brother's death, he marched towards the south with all speed, in pursuance, as afterwards appeared, of a secret understanding with Hastings, who had remained at court, and with Buckingham, who hastened with a body of adherents, professedly to join the King. Lord Rivers, lulled into security by the assurances and professions of the two dukes, made haste to meet them with his royal charge. The young King, accompanied by the Wydviles, had reached Stony Stratford, and on the same day the duke of Gloucester arrived at Northampton, ten miles distant. Lord Rivers immediately went to pay a compliment to the duke of Gloucester, and to receive his orders. They, together with Buckingham, who appears to have arrived the same day, remained at the latter town till next morning; and though the suspicions of Lord Rivers had been excited by the outlets of Northampton being guarded during the night, he professed to be satisfied with the explanation given of that circumstance. He and his brother rode in attendance on Gloucester and Buckingham, with every appearance of intimate friendship, to the entrance of Stony Stratford, where Gloucester accused Rivers and Grey of having taught the young monarch to distrust the protector.

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Rivers, who was a well-spoken man, defended himself with his accustomed abilities ; but as he could not prove that he was no obstacle to Richard's ambition, his defence was vain. "They took him and put him in ward." On being ushered into the presence of the King at Stony Stratford, they assured him that "the marquess his brother and Rivers his uncle had compassed to rule the King and the realm, and to subdue and destroy its noble blood." The unfortunate boy answered, with touching simplicity, "What my lord marquess may have done in London I cannot say ; but I dare answer for my uncle Rivers and my brother here, that they be innocent of any such matter." The Wydviles, however, were ordered to be conveyed to Pomfret Castle. "Gloucester and Buckingham sent away from the King whom it pleased them, and set new servants about him, such as liked better them than him ; at which dealing he wept, and was nothing content ; but it booteth not." On their arrival in London, their purposes became evident to those most concerned. The queen fled from her palace at Westminster at midnight, to take sanctuary in the adjoining abbey. The confusion and hurry with which her furniture was scattered over the floor by her affrighted attendants afford the best proof of the extent of their fears. "The queen herself," we are told, "sat alone on the rushes all desolated and dismayed." On the day fixed for the coronation, which, through new influence, was now postponed, the young prince was led by his uncle with due state into his capital. Richard assumed the title of protector of the King and kingdom ; a station for which the analogy of the constitution of a hereditary monarchy seemed to designate him.

It seems probable that Hastings and Stanley, the friends of the late king, began to show misgivings as to the designs of Richard, especially after he had compelled the queen to surrender the duke of York into his hands, under the specious colour of lodging him with his elder

brother in the royal palace of the Tower. A council was held to regulate the approaching coronation; at which were present the Lords Hastings and Stanley, together with several prelates. Richard, affecting an unwonted gaiety, desired the bishop of Ely to send for a dish of strawberries for breakfast. Retiring from council for almost an hour, he returned with his looks and gestures entirely altered, and with a sour and angry countenance, knitting his brows and gnawing his lips. After a short time he broke his sullen silence, crying out, "Of what are they worthy who have compassed the death of me, the King's protector by nature as well as by law?" "To be punished," said Hastings, "as heinous traitors." "That is," replied the protector, still dissembling, "that sorceress, my brother's wife, and her kindred." This reply was not ungrateful to Hastings, the mortal enemy of the Wydvilles, who said, "Heinous, indeed, if true." The protector, weary of dissimulation, cried aloud, "Yes! I will make good your answer upon your body, traitor, in spite of your 'ifs' and 'ands.'" Then he clapped his fist on the board with a great rap, at which token a man who stood without the door cried out "Treason!" Men in armour, as many as the apartment could contain, entered into it. Richard said to Hastings, "I arrest thee, traitor!" Stanley and the other obnoxious lords were committed to various dungeons. The protector bade Hastings "to shrive himself apace; for by St. Paul I will not dine till I see thy head off!" "It booted him not to ask why? He took a priest at a venture, and made a short shrift; for the protector made haste to dinner, which he might not go to until they were done, for saving of his oath." He was brought down to the green by the chapel, and being laid on a long log of timber, which happened to be near, his head was struck off, without any form of trial or even specification of his pretended offence. Those who, after such deeds, could have doubted the dire designs of the protector,

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must surely have relinquished their opinion, when they learned shortly after, that, on the very day which witnessed the murder of Lord Hastings, a like scene was being exhibited near the northern frontier of the kingdom. On that day, Radcliffe, one of Richard's emissaries, entering the castle of Pomfret at the head of a body of armed men, put Rivers and his friends to death, before a crowd of bystanders, with as little semblance of judicial proceeding as was vouchsafed to Hastings.

These horrid transactions, which in their general outline are disputed by no writer, have been here related almost in the words of Sir Thomas More, one of the few historians who have had an opportunity of proving their abhorrence of falsehood, by choosing to suffer a death which the vulgar accounted ignominious, rather than to utter a lie. Had Richard perpetrated so many crimes for a less temptation than a crown; had he shrunk from the only deed of blood which was to render his former guilt profitable, he would have disappointed all reasonable expectation, by stopping short, when, by wading one step farther in slaughter, he might have seated himself on the throne. His uncontested acts compel us to believe that he could not be withheld, by scruples of conscience, from seizing a sceptre which seemed within his grasp. An unbiassed reader, who has perused the narrative of his avowed deeds, will therefore learn with little surprise, but rather regard as the natural sequel of his previous policy, that Edward the Fifth and Richard duke of York soon after silently disappeared from the Tower, and were generally believed to have been murdered; that no inquest was made for their blood, and no public inquiry into the mysterious circumstances of their disappearance. None of the circumstances immediately following tend to shake such a belief. Three days after the murder of Hastings and the Wydviles, the consent of the Queen to the removal of Richard, her second son, to the Tower, from the

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sanctuary at Westminster, had been extorted by the archbishop of Canterbury, under the pretext that he should not be in sanctuary among thieves and murderers at the moment of so august and sacred a ceremony as his brother's coronation; although it is unquestionably certain that such a solemnity was, then at least, no longer intended. On the next day, the last exercise of regal authority in the name of Edward appears, in the form of a commission to supply the royal household with provisions for six months.

Meanwhile Richard, probably for the purpose of reviving the recollection of his brother's licentious manners, had caused his subservient ecclesiastics to inflict penance on Jane Shore, the wife of an opulent citizen of London, who had been the mistress of the late king. "Proper she was and fair," says More; "yet delighted not men so much in her beauty as in her pleasant behaviour; for a proper wit had she, and could both read well and write; ready and quick of answer; neither mute nor babbling. Many mistresses the king had, but her he loved; whose favour, to say the truth, she never abused to any man's hurt, but often employed to many a man's relief."* The cruel selection of such a person for ignominious punishment arose, probably, in part from her plebeian condition, and in part from her having become the paramour of Hastings; who, though enamoured of her in Edward's lifetime, had then so much respect for his master, as to abstain from nearer approaches to her.

Having thus insulted the memory of his brother, and removed the friends of his nephews, Richard began openly to attack the title of the late king's children to the throne. The narrative of his conduct is full of confusion, and not exempt from inconsistency. If we measure his acts by a modern standard, some of them appear incredible; but where the more conspicuous facts are certain, how-

* Sir Thomas More, in Holinshed, p. 384.

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ever atrocious, we must not withhold our belief from the recital of particulars, because it partakes of the disorder and precipitation which are the natural companions of dark and bloody undertakings.

The first expedient employed by Richard to undermine the general belief in the legitimacy of his nephews was singularly at variance with modern manners and opinions. He caused Shaw, a noted preacher, to deliver a sermon against the lawfulness of their birth, at Paul's Cross, a place of more than ordinary resort, in an age when preaching was chiefly confined to high festivals or peculiarly solemn occasions. This extraordinary attack on the title of the reigning prince, whose coronation had been appointed for that very day, is not preserved, and our accounts of its tenour do not perfectly agree. It appears, however, that the preacher's main argument was, that Edward had contracted to wed, or had secretly wedded, the Lady Elinor Butler, before the marriage solemnised with Elizabeth Wydville; that the second marriage consequently was void, and the issue of it illegitimate. Stillington, bishop of Bath, a profligate creature of the protector, declared that he had officiated at the former nuptials or espousals. To this was added an odious and unjust imputation of infidelity against the duchess dowager of York, and of bastardy of her children, unless the sycophant chose expressly to except Richard himself. But if this aspersion was then thrown out, it perhaps flowed from the redundant zeal of the calumniator himself; for in the subsequent and more formal proceedings we find it dropped. The multiplicity of Edward's amours gave some credit to these rumours; and it was certainly possible that Stillington, a man very capable of being the minister of a prince's vices, may have been privy to intrigues, in which promises of marriage may have been employed as means of seduction previously. The duke of Buckingham, having harangued the citizens in the same strain with Shaw,

presented to Richard, in his mother's house, Baynard's Castle, a parchment, purporting to be a declaration of the three estates in his favour, as the only legitimate prince of the house of York. But as the three estates who presented this scroll to the King were not then assembled in form, it was deemed necessary at the next meeting of that assembly to declare the marriage of Edward with Elizabeth to have been void, on account of his precontract with the Lady Elinor; and therefore to pronounce that Richard "was and is veray and undoubted king of the realm of England; and that the inheritance of it, after his decease, shall rest in the heirs of his body." * The infidelity of the duchess of York was deemed too gross, or the allegation of it by her son too monstrous, to be adverted to in the statute. Shortly afterwards RICHARD seated himself in the royal chair in the palace of Westminster; and he was received with outward reverence by the clergy, when subsequently he went to the cathedral church of St. Paul to return thanks to God for his exaltation to the throne.

"After his accession," says a simple chronicler †, "the Prince, or rather of right the King, Edward the Fifth, with his brother, the duke of York, were under sure keeping within the Tower, in such wyse that they never came abroad after." That the circumstances alleged by Richard in support of the illegitimacy of these unhappy princes should have been true, is a supposition so improbable as scarcely to require further examination. Had Edward the Fourth been really married to Lady Elinor Butler, the spiritual court must have decreed, on credible evidence of such an union, that his pretended marriage with Elizabeth Wydville was a nullity. Had any faith been placed in the testimony of the bishop of Bath, such an avoidance of the first marriage by a competent court, in the ordinary course of law, is very unlikely to have been overlooked in a matter relating to

* Rot. Parl., vol. vi. p. 240.

† Fabyan, p. 660.

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the succession to the crown. But the testimony of a man made so infamous by his own story can be of no other importance than as a specimen of the chancellors and prelates of the fifteenth century. It is unanimously agreed that, after the accession of Richard, no man (except the jailers and the assassins) saw young Edward. We have no intimation of the escape of him or his brother; and it is certain that they had either been murdered, or had made their escape, before the battle of Bosworth. It may be observed that, in the statute declaring the legitimacy of Richard, no mention is made of the two princes. Is this silence reconcileable with the fact of their having been then alive? In Richard's negotiations for a marriage with his niece, the princess Elizabeth, there is no evidence of any attempt having been made by Edward's widow to save her sons. Was there ever a mother who would, in such a case, have been silent and inactive, if she had not known of their death? The total absence of all pretence to information respecting the subsequent fate of Edward, or the particulars of the escape of his brother Richard, seems to afford the most decisive evidence that neither was alive at the battle of Bosworth; especially as these boys were not of an age to forget their royal condition, and must have been particularly known to many of the English exiles who crowded the courts of France, Burgundy, and Brittany.

There is no sufficient reason for distrusting the main circumstances of the murder as commonly related. It is said that in the month of August of this year, while engaged in a progress through the north, Richard commanded Brakenbury, the lieutenant of the tower, to put them to death with speed and secrecy. This officer rejected the proposal, but acceded to another equally infamous,—to place the keys and the custody of the Tower in the hands of Sir James Tyrrel, a less hypocritical assassin, who, on the night of his arrival, caused

the subordinate murderers, Dighton and Forest, to smother the princes in their dungeon at midnight. Brakenbury was richly rewarded for his connivance, by grants of manors and pensions. Greene, his messenger, appears to have been promoted beyond his natural expectation. Forest, whom More calls "a noted ruffian," was made keeper of the wardrobe at Baynard's Castle. Tyrrel himself was made steward of the duchy of Cornwall, and governor of Glamorganshire, with the gift of many manors in South Wales. It is surely no mean corroboration of the narrative of More, that we find the price of blood thus largely paid to all the persons whom he mentions as parties to the murder or privy to its perpetration. Tyrrel is said by More to have confessed his guilt when, twenty years after, he was executed for concealing the treason of the earl of Suffolk. The most specious objection to More's narrative is, that the dates of several of Richard's signatures, at Westminster, on the 31st of July, do not leave sufficient time before his coronation at York, on the 8th of August, for the instructions, the murder, and the news of its completion; all which, according to the received accounts, occurred within that time. That the King, to expedite affairs, should have left behind him many documents subscribed by himself, when about to set out on a long journey, is so very natural a solution of this difficulty, that it is singular it should not have immediately presented itself. It would probably not be difficult to ascertain the sort of writings in which the signature of the King on the day of their dates might have been required, and in what cases it might have been dispensed with. But English history is indebted to Dr. Lingard for a more specific and satisfactory answer. He has produced, in answer to this particular objection, thirty-three instances of writs bearing date at Westminster, by Edward the Fifth himself, eleven days before the day on which we know that he actually en-

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tered that city after his accession. Lastly, Commynes, a writer of remarkable veracity, and without English prejudices, who knew the chief lords of England as well as those of France and Burgundy, relates the murder of the princes by their barbarous uncle as a fact not requiring any proof.

No sooner had Richard, by thus spilling the blood of his brother's children, completed his usurpation, than he found an enemy, where he least expected it, in the duke of Buckingham, the accomplice of his blackest crimes, undoubtedly the chief instrument of his own usurpation, and very probably privy to the murder of the princes. The particular causes of Buckingham's revolt cannot now be ascertained. He was perhaps prompted by anger that such a share in guilt should have been followed by none in the spoils; Richard may have waded farther into blood than was warranted by their original contract; or, as a descendant of Edward the Third, he might have hoped to hurl the King from a throne stained with the innocent blood of a brother's children. It is possible that the Lancastrians may have tempted him with such hopes, and that they may have professed to believe his disavowal of previous knowledge of the murder. But whether Richard perpetrated this act from fear of an insurrection to release the princes, or published the account of their death to confound the counsels of the disaffected, the insurrection of Buckingham broke out shortly after. He is generally related to have concerted measures for raising Henry, earl of Richmond, to the throne, as the chief of the Lancastrian party, on condition of the latter's wedding the Princess Elizabeth, the heiress of the house of York. This expedient for closing the gates of civil war is said to have been suggested by Morton, bishop of Ely, and approved by the queen dowager and her sons of the first marriage, and by the countess of Richmond, on behalf of her son in Brittany,

to whom she despatched tidings. Storms, however, interrupted the voyage of Henry. The Welsh retainers of Buckingham, intercepted between broken bridges and impassable fords in the forest of Dean, disbanded themselves with a precipitation more suitable to the mutinous habits than to the gallant spirit of their nation. Richard, who had justified his cruelty to Jane Shore by affectation of zeal for austere morality, at this time used the like pretext to crush the remaining adherents of Buckingham. He issued a proclamation, with rewards for the apprehension of Dorset and his followers, whose escape was then either not effected or not known. That nobleman is charged by this proclamation with "having deflowered many maids, wives, and widows;"* with holding the mischievous woman called Shore's wife in open adultery; with having not only rebelled against the King, and intended to destroy his person, but also contributed to the damnable maintenance of vice and sin, to the displeasure of God, and the evil example of all Christian people." Buckingham's head was struck off, without form of trial, in the market-place of Salisbury. Morton effected his escape to Flanders: the marquess of Dorset and the bishop of Exeter to Brittany. These last, with five hundred English exiles, did homage to Henry of Richmond as their sovereign, on condition of his swearing to observe the terms of their agreement. Richard felt that he had suppressed, but not extinguished, the revolt. He made a bold effort to break the concert of the malcontents, by marrying the young princess, his niece, whose hand was to be the bond of union between the Roses. It seems obvious that the importance ascribed by all parties to a marriage with her can only have sprung from their unanimous belief that, by the murder of her brothers, she was become the heiress of the house of York. The queen dowager, in spite of her treaty with Richmond, was shaken in

* Rymer, vol. xii. p. 204.

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her fidelity by the hope of placing her daughter on the throne. Lady Anne Neville, Richard's queen, was in infirm health. The princess herself showed too great eagerness for an unnatural marriage, and even betrayed the most indecent impatience at the continuance of the life of Anne, who, she was assured by her husband, was to die in February. The King was, however, dissuaded from this purpose of a marriage, which was so unpopular that he was obliged to disavow it.

It affords no small presumption of the unpopularity as well as illegality of his government, that he did not venture to recur to the practice of the two preceding reigns, of procuring the sanction of parliament for his power, until it appeared to have been sufficiently strengthened by the failure of Richmond's attempt to invade England. It was only in the second year of his reign that Richard obtained statutes for establishing his own title, and attainting his enemies; for abolishing the grievance of "forced benevolences;" and for reforms of the law, which rendered him popular, and clothed him with that show of secure dominion which, apparently delivering him from anxiety for the stability of his throne, enabled him to turn his thoughts to the paternal duties of a just and impartial sovereign.

In the summer of this year he directed writs to be issued to all sheriffs, informing them that Jasper and Henry Tudor, with John earl of Oxford, Sir Edward Wydville, and others, had conspired with the duke of Brittany to invade England; that, failing in this attempt, they had fled to the King's ancient enemy Charles, styling himself king of France, whose aid they had procured by a promise to cede to him those territories in France which of right pertained to the crown of England. With an absurdity as remarkable as its hypocrisy, this proclamation informed the subjects that the greater part of those rebels were "open murderers, adulterers, and extortioners." The most pertinent

intelligence which it communicated was, that the exiles had already chosen one Henry Tudor to be their chief, who already usurped the royal estate of England, "whereunto he had no interest, title, or colour, being descended of bastard blood on both sides; for Owen Tudor, his grandfather, was a bastard, and his mother was daughter unto John duke of Somerset, son unto John earl of Somerset, son unto dame Catherine Swinford by John of Gaunt, and the issue of their double adultery."*

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But these reasonings were no longer seasonable. The greater part of the York party, alienated by the crimes of Richard, whose impartial tyranny had destroyed Hastings with as little scruple as Wydville, had acquiesced in Morton's project for preserving their own connexion with the regal dignity by seating Elizabeth of York on the throne. A compromise between the various interests, opinions, and prejudices of a community would lose its nature and its usefulness if it were invulnerable by arguments derived from any one of the principles which it labours to reconcile. In such pacifications every party must sacrifice a portion of their opinions, as well as a share of their interests. A compromise between conflicting factions was effected on the ground that each party should be, as it were, represented on the throne by a queen whom Richard's unnatural deeds and projects had pronounced to be the heiress of York; and by a king who, though he could not indeed succeed under the title of the house of Lancaster, was still the only remaining leader of the Lancastrian party.

A few of the most eminent Yorkists adhered to the principle of an indefeasibly inheritable crown, clouded as it was by the crimes of Richard. They probably

* A statement, whether true or false, perfectly immaterial. The latter assertion is true, and, as far as mere hereditary right is concerned, appears to be conclusive. The clause *exceptâ dignitate regali*, in the

letters patent of Richard the Second to John of Gaunt, it is altogether impossible to reconcile with Henry's title derived from the Beaufort branch.

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reconciled themselves to a deviation from it, in so far as they preferred him to his niece, by the same obvious necessity for a vigorous chief in the approaching struggle which silenced the prejudices of the other Yorkists against the succession of a Tudor. Among the eminent persons who adhered to Richard, was Sir John Howard, created duke of Norfolk in consequence of the marriage of his father with the coheirress of the Mowbrays; a family who inherited the estates and dignities of Norfolk from Thomas of Brotherton, fifth son of Edward the First. Another was Lord Stanley, who, though originally a Yorkist, had become suspected by Richard on account of his friendship with Hastings, and his marriage with the countess dowager of Richmond, the mother of Henry Tudor. The difficulties of Stanley's position were increased by his son George, Lord Strange, being in the hands of Richard, treated as a faithful adherent; but who might be dealt with as a hostage, in case of the defection of the father. He temporised; and, though probably a party to the agreement for the marriage of Henry and Elizabeth, preserved a show of neutrality longer than could have been conceived, if the extent and remoteness of his domains were not considered.

Early in autumn, Henry, earl of Richmond, embarked at Harfleur, landing in a few days at Milford Haven; a place chosen, partly perhaps from some reliance on the partiality of the Welsh for their own race, but more probably from the facility of disembarkation which it afforded as a spot remote from the centre of government. The position of Stanley's territory on his left may also have contributed in guiding his selection of a landing-place. Richard, as active and vigilant in war as his brother Edward, marched to meet the earl, and being, perhaps, uncertain in what direction the latter was moving, bent his course to the central provinces, that he might be the more in the way when required. The two

Aug. 22. armies met at Bosworth, in Leicestershire, in a battle

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memorable for having settled the long disorders of the kingdom, restoring it after nearly a thousand years to a line of native princes. Stanley marched slowly, hanging about the skirts of the two armies till the day of battle, but having previously quieted Richmond's anxieties by a secret interview on the night before. The latter took advantage of a marsh which covered his right flank, commanding his bowmen to assail the enemy from their post of security, whom the discharge of arrows soon threw into confusion. A close fight with swords ensued; but Stanley joining the invaders at this critical moment, the fortune of the day was decided. For an instant the new auxiliaries were suspected by the army of Richmond; but confidence was soon restored. Richard saw his adversary approaching, and hastened to meet him for an encounter, man to man. The last day of the tyrant was distinguished by his accustomed prowess. He slew Sir Charles Brandon with his own hand; and, while fighting as bravely as a man could do, fell by a death too honourable for his crimes, but becoming the martial celebrity of his life. The battle lasted for two hours. A thousand fell on the side of the King, including the duke of Norfolk, and Lords Ferrers, Radcliffe, and Brakenbury. On the part of Richmond, only about one hundred were slain, and, with the exception of Sir Charles Brandon, none of them men of note. The Lord Stanley, who by his timely interference had virtually transferred the crown to the victor, was also the person, who, when the symbol of royalty was found among the spoils, formally placed it on his head, shouting, "Long live King Henry!" which was taken up and repeated by the whole victorious army. In five days the new king acknowledged these services by conferring on his supporter the dignity of earl of Derby.

As early as the commencement of the civil war, we clearly discern, from the private correspondence of the Pastons, a family of note in Norfolk, the influence

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and frequent interference of grandees in elections to the lower house. Early in that struggle, we find a circular letter from the duchess of Norfolk to her husband's friends in that county, apprising them of the necessity that the duke should have in parliament such persons as were dependent upon him, or were under his influence, and requesting them therefore to use their endeavours that John Howard and Roger Chamberlayne should be elected. By another dispatch about the same time, it appears that Sir William Chamberlayne and Henry Grey were to be supported by the duke as candidates for the same county. Later, the dukes of Norfolk and Suffolk, after a conference, agreed that Sir Richard Harcourt and Sir Robert Wyngfield should represent the county, and to recommend Sir John Paston for the borough of Maldon, and obtained from the burgesses of Yarmouth a promise to support their candidates for the latter place, who were Dr. Alleyne and John Russe. In the next instance, after the duke of Norfolk had found it impracticable to return his son-in-law, Mr. Howard, an intimation is thrown out of means by which an indefinite extension of influence in the elections of other towns, and in the revivals of disused franchises, might be obtained: "If ye miss to be burgess of Maldon, and my lord Chamberlayne will, ye may be in another place. There be a dozen towns in England that choose no burgess, which ought to do it. Ye may set in for one of those towns, and be befriended."* A curious instance of the habitual exercise of the influence of the crown as well as of the nobility in elections, may be seen in another letter in the same collection: "Sir Robert Coniers dined with me this day, and showed me a letter from the King to him, desiring him that he should await upon his well-beloved brother, the duke of Suffolk, at Norwich, for to be at the election of knights of the shire; and he told me that every gen-

* Paston Letters, vol. ii. p. 103.

tleman in Norfolk and Suffolk, that are of any reputation, hath writing from the King in like wise as he had."*

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Notwithstanding what she was then suffering from intestine discord, it was during this period of our history, that two writers of sagacity describe England as superior to her neighbours in a mild and equitable government, the habitual influence of which had abated the atrocities of an embittered contest, depriving civil war itself of great part of its horrors. "In England," says Commynes, a soldier and a traveller, "the evil of war falls only on those who make it."† Sir John Fortescue, an English lawyer, long resident in France, contrasts the operation of absolute monarchy there, in impoverishing and depressing the people, with that freer government which had raised up the race of English yeomen, qualified, by their intelligence and independence, to take part in dispensing justice as jurors.‡ This was an accession to popular power which spread more widely over ordinary life than perhaps any other; and, while it fostered the independence of the people, contributed, by a happy peculiarity, to interest their pride in the due execution of the law, teaching them to place their personal importance in enforcing its observance. Nothing can be more decisive than the testimony of this eminent lawyer. He lays it down as a first principle, "that a king is appointed to protect his subjects in their lives, properties, and laws. For this end he has the delegation of power from the people, and he has no just claim to any other power."§ "In France," he continues, although well supplied with all the fruits of the earth, yet they are so much oppressed by the king's troops, that you can scarce be accommodated even in the great towns. The King cannot in England lay taxes. He cannot alter the laws, or make new ones, without the

* Paston, vol. iv. p. 103.

† De Laudibus legum Angliæ, chap. 36.

‡ Book v. chap. 19.

§ Ibid., chap. 13.

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consent of parliament."* These extracts may be appropriately closed by a short maxim, after the perusal of which no man will be at a loss to understand the main cause of the happiest of all revolutions—the manumission of bondmen. “The laws of England in all cases declare in favour of liberty.”†

Thus early was the example of England in entering on a progress towards liberty (the highest benefit which a single people could confer on mankind) discovered by the wisest men of an age which may be regarded as one of the worst through which this country has passed. The contemporary governments of England and France were thus estimated according to their experienced effects by men whose origin and fortune were not favourable to prejudice on the side of England; the one a foreigner, who saw the venality of the court and council of Edward; the other an Englishman indeed, but suffering all the bitterness of undeserved exile. Fortescue, even in banishment, and amidst the tragical circumstances of his country, considers its government as the best model of legal liberty, and holds out France as an example of the bad effects of absolute power.

* De Laudibus legum Angliæ, chap. 36.

† Ibid., chap. 41.

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HENRY THE SEVENTH.

THE reign of HENRY THE SEVENTH may be characterised as the restoration to power of the Lancastrian faction. It was necessarily so to some extent: for it cannot be denied that policy required of the King that he should reward his adherents; but Henry had too long been the leader of a party not to be carried by his habits and passions beyond this. To this error, though not perhaps without excuse, are to be ascribed the chief disorders of England under his administration. Had he laboured more sincerely to be the impartial ruler of the whole body of his subjects, a nation weary of civil war would have more uniformly submitted to a government which, though jealous and stern, maintained peace and justice.

Henry, at the opening of his reign, was perplexed by the variety and discrepancy of his titles. These were: first, his marriage with the heiress of the house of York; second, his descent from the house of Lancaster; and third, his right of conquest. The last was too odious to be openly advanced. The second could not be singly relied on in the event of a renewal of the breach between himself and the Yorkists. The first gave security only in case he should have issue by Elizabeth. His decision apparently was to rest his claim on his Lancastrian ancestry, using his marriage and victory as subordinate aids to his title. He assumed the title of king without making any mention of the covenanted marriage; and though, on his arrival in London, he renewed his promise in this respect to his council, he

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was nevertheless crowned singly. The name of Elizabeth was excluded from the parliamentary settlement agreed on. Henry did not exact such a recognition of his title as would have been involved in a declaratory act; nor did he, on the other hand, accept the crown as a grant from parliament; but was content with the ambiguous language that the inheritance of the crown should rest and abide in the king. It was entailed, however, only on the heirs of his body; a limited and conditional gift. But all his titles, from whatever source derived, were next year confirmed by a papal bull. The conduct of Henry in regard to this question savours more of Lancastrian prejudice struggling for a time with prudence, to which it reluctantly and ungraciously yields at last, than of the refinement of policy, which the most famous of his historians* is perhaps too prone to attribute to a prince whom he evidently aims at representing as an ideal model of kingcraft.

It is certain that none of the titles relied on by Henry made the slightest approach to validity. Even if his descent from John of Gaunt had been legitimate, he was not the nearest descendant of that prince's children; for issue of undisputed legitimacy, the descendants of Gaunt's first wife, Blanche of Lancaster, and of his second wife, Constance of Castile, were then living in the Spanish peninsula; but their distance and want of the means of interposition precluded all hope of their enforcing their claims. Had the doctrine of the indefeasible succession of the house of York been likely at that crisis to have obtained the national concurrence, there were two claimants in England: Edward Plantagenet, earl of Warwick, eldest son of George, duke of Clarence, and Margaret, the daughter of that prince, and the spouse of Sir Richard Pole.

Soon after his accession the King espoused the

* Bacon.

Princess Elizabeth of York, agreeably to the compromise made between Cardinal Morton and Queen Elizabeth Wydville. He then began a military progress through the north. He defeated his opponents at Stoke, near Lincoln, inflicting on them severe punishment. This victory tempted him to give the reins to his party feeling. The stipulations of the compromise favourable to the York party were performed, indeed, but sullenly; while whatever severities were compatible with its letter were eagerly and fiercely inflicted on them.

The month after Henry's coronation, "there followed an accident of state; whereof the relations are so naked, that they leave it unintelligible, and scarcely credible—not on account of the nature of it, for events of the like sort either often occurred, or were liberally feigned, in the fifteenth century, but on account of the manner of it, especially at the beginning. The King was green in his estate, and contrary to his opinion,—perhaps to his desert,—was not without much hatred throughout the kingdom. The root of all was, the discountenancing of the house of York." * In the midst of the fermentation of various and even jarring factions, agreeing scarcely in any one principle but that of hatred against the King, Edward Plantagenet, the only surviving male of Clarence's family, was committed to the Tower, where he lingered through the remainder of his wretched life.

In the same year, mention is first made of a youth, named Sulford, or Simmel, the son of an Oxford tradesman. This youth, who had been trained, both in knowledge and manners, by a subtle priest, called Richard Symmonds, was then about fifteen years of age, a comely boy, not without some dignity and grace, which were the more agreeable, because unexpected in so humble a station. The general project of starting,

* Bacon; Works, Montague's edition, vol. iii. p. 125.

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under a false name, a candidate for the crown, was a not unnatural one in an age of revolutions ; when, in the midst of the almost general massacre of the royal family, it was not improbable that some of its members, when children, might have been withdrawn from the doom of their kindred, by the attachment or humanity of their adherents. In the present instance, if any outward excitement had been wanting to the ambition of Simmel, it was supplied by rumours and other incentives, proceeding from the court of Margaret, duchess dowager of Burgundy, the third sister of Edward the Fourth. "This princess," says Bacon, "having the spirit of a man, and the malice [the personal resentment and desire of revenge] of a woman, abounding in treasure, by her dower and her frugality, made it the chief end of her life to see the majesty royal of England once more replaced in her house ; and had set up King Henry as a wall, at whose overthrow all her actions should aim and shoot, insomuch that all the counsels of his succeeding troubles came chiefly out of that quiver ; and she bare such a deadly hatred to the house of Lancaster, that she was nowise mollified by the conjunction of the two houses in her niece's marriage, but rather hated her niece as the means of the King's accession to the crown."* It is therefore probable, as our ancient writers tell us, that Symmonds and Lambert had been stirred up, partly by these inventions of the court of Brussels, to harbour vague hopes of advancing themselves, at first without stretching their serious expectations beyond ecclesiastical preferment, but afterwards swelling with the rumours spread by the duchess of Burgundy, until their aims at length reached the royal dignity. Hitherto, their ambitious schemes, however apparently impracticable, were at least intelligible, and not without parallel in history ; but the choice of the prince to be personated bids defiance to all attempts at

* Bacon ; Works, vol. iii. p. 188.

explanation. It had been industriously rumoured, and it was perhaps believed by the priest of Oxford and his pupil, that Richard, duke of York, had escaped from the assassins of his elder brother, and had found a secure asylum against the tyrant Richard and the usurper Henry. The original intention seems to have been to have selected Simnel to personate this young prince; but for some reason which we can no longer ascertain, nor even conjecture, the prompters caused their puppet to assume the character of Edward Plantagenet, son of the duke of Clarence, and in that character to claim the crown. Had Simnel been in reality what he pretended to be, he had still no pretension to the crown during the lives of his uncle Edward's daughters. The true earl of Warwick was then a prisoner in the Tower, at the mercy of his most deadly foe. Henry accordingly ordered Warwick to be led on horseback through the streets of London, that the most ignorant of the multitude might see the grossness of the imposture. During the procession, many courtiers of Edward the Fourth, who were unfriendly to a Lancastrian government, were allowed and encouraged to determine for themselves the identity of the prisoner, by conversation with him, on the occurrences of his infancy and childhood. Every attempt to explain these circumstances, by the supposition that the overthrow of the false Warwick was necessary to the success of the true, is liable to the seemingly insurmountable objection, that, as the Yorkist chiefs were not masters of events, it must have been impossible to foresee whether those who were chosen to act as tools might not at last snatch victory out of the hands of their employers. This hypothesis also assumes, that the appearance and suppression of a pretender is favourable to a like revolt in support of a just claimant in the same character; which appears to be the reverse of the ordinary results of experience.

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The earl of Kildare, lord deputy of Ireland, who, with the greater part of the English settled in that country, was a zealous adherent of the house of York, received the pretended Warwick with the utmost friendship, and allowed his claim without discussion. The public exhibition of the real Warwick had disabused many in the capital; but the little colony in Ireland called the English Pale, long ruled by the York party, had retained their ancient attachments, little moved by mummeries in London, of which they had probably slow, imperfect, and scanty information. The Irish chiefs took little part in the controversy. Originally, John, earl of Lincoln, a nephew of Edward the Fourth, had taken a share in the councils of the reigning monarch; but, influenced by the duchess of Burgundy, he gave the sanction of his name to the cause of the impostor. With the lord deputy and the earl of Kildare, he took the bold measure of disembarking in Lancashire, with an Irish force, to seat the pretender on the throne. Here they were joined by a band of two thousand mercenaries from the continent under a foreign leader, and by Lord Lovel, and Sir Thomas Broughton, an opulent landholder of the north. In a month they had penetrated into the heart of the kingdom. Though they do not appear to have gained any accession of numbers on their march, an advance so unmolested indicates the absence of very decisive preponderance on either side. "Both the armies joined and fought earnestly and sharply." * The insurgents, about eight thousand in number, began the attack: one half was left dead, among whom were Lincoln, Kildare, Broughton, and Schwartz, the leader of the mercenaries. Lovel was seen in the flight, but never after heard of. Symmonds the priest, and his pupil Simnel, were spared; and treated with a sort of contemptuous compassion, which is so much at variance with the common treatment of rebels in that age, that

* Hall, p. 434.

it may be considered as another strange fact in this singular transaction. Simnel was made a turnspit in the King's kitchen; and after due trial of his merit, promoted to the more honourable office of one of the King's falconers. Thus ended a revolt, absurd in its plan, unintelligible in its circumstances, keeping up a sort of faint existence for a longer period than its vital powers seemed capable of, and at last closing in a manner which neither valour nor clemency could prevent from being ludicrous.

Another attempt of the same nature, though different in tone and temper, may be related in this place (though it did not occur until six years after), in order to keep the attempts pointed against Henry's throne separate from the less important events of his reign, with which they have, indeed, little direct connection. A pretender to the royal dignity appeared in Ireland, under the name of Perkin Warbeck, but calling himself Richard, duke of York, the second son of Edward the Fourth. No proof remains of his having offered an account, on this or any other occasion, of the circumstances of the murder of his elder brother, of his own preservation, or of any of those facts, without a knowledge of which it was impossible to bear effective testimony to his filiation and legitimacy. It is nowhere intimated that he even attempted to explain the cause of his own total ignorance of facts inseparable from the very foundation of his claim. Till the death of his brother, for example, he could have no title. But the death of that prince resting on the same general belief with that of his younger brother could hardly have been proved by those who were ignorant of the circumstances of the murder; or at least satisfactory explanation was required of the causes which enabled a witness to be sure that there had been a murder, and yet to be wholly unacquainted with every particular relating to it. Warbeck seems to have been first heard of at the court of Margaret of

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York, his supposed aunt. Henry's ambassadors, Archbishop Warham and Sir Edward Poynings, required that the impostor should be delivered up to them, or at least that he should be compelled to quit the territories of the duke of Burgundy. The duke made all the professions usual on such occasions; he alleged the confessed neutrality of the provinces directly subject to him, and his want of authority over the vassals of the duchess-dowager. That princess sent Perkin to Portugal. When he returned, his reception was more honourable, and his political importance had grown greater. From the moment that war with England began to be probable, every pretender to the English crown became an instrument of consequence to France. Perkin was received with open arms in Ireland, where the people were as prone to believe a wonder, as if they had not just been duped by a similar fraud. By the case of Simnel, they, as well as the duchess of Burgundy, had forfeited all title to belief in their testimony. The fanatical attachment of the Irish to the house of York was vainly combated by papal bulls, condemnatory of the archbishops of Armagh and Dublin, and of the bishops of Meath and Derry, for their share in the coronation of Simnel.

Sir Robert Clifford and others went to Flanders to ascertain the history of Warbeck; deputed by the leading Yorkists, but, as all seem to agree, subsequently corrupted by Henry. They furnished the King with important information relative to the correspondence of the discontented nobility with the pretender and his counsellors. The difficulties produced by the irregularity of the judicial proceedings of our ancestors, and the scantiness of the narratives now possessed by us, are still more increased by an incident of frequent occurrence in those times,—the employment, namely, of dishonourable, however legal, or even sometimes necessary, means of detecting and punishing conspiracies. In some manner, though it is not certain how, the Yorkist emis-

saries took bribes from those on whom they were to act as spies; and began to be spies *on* their original employers, without ceasing to be spies *for* them.

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On Clifford's return, some of the most eminent among the malcontent Yorkists were, on his secret information, put to death. The fate of some of them was very mysterious. Sir William Stanley, lord chamberlain, was charged by Clifford with treason in abetting the rebels abroad by a treasonable correspondence with them. He is said to have confessed the crime; and, whatever were the grounds of the accusation, the restorer of Henry was executed. It would have been wonderful if, in the reign of a miser and an extortioner, one principal motive to the execution had not been generally believed to have been the confiscation of the property of the most affluent of English noblemen. Indeed, the causes of it assigned by Bacon, an historian sufficiently favourable to the King, are such as to warrant odious suspicions. They are the invidious deserts of the ill-fated lord, which were too high for reward; the alarming power of him, who, as he had set up a king, might pull him down again, "with a glimmering of a confiscation of the property of the richest subject in the kingdom;" to which the historian fairly or speciously adds the personal fears of the King himself.* Sir W. Stanley had been accused of declaring that if a legitimate son of Edward the Fourth had been alive, he would not bear arms against him; which amounted, perhaps, to a decision in favour of the title of the house of York; but was not therefore necessarily an overt act of treason, as not having been uttered in furtherance of a treasonable purpose.

The executions which followed the information of Sir Robert Clifford, especially that of Sir William Stanley, spread dismay among that commonly numerous body who, in times of commotion and conspiracy, expose themselves to suspicion by the discovery of their com-

* Bacon, vol. iii. p. 297.

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pliances with every successive conqueror. Clifford had been the confidential minister of the Yorkists in the Netherlands. Stanley was the personal friend of Edward the Fourth. A charge of treason from such an informer, and aimed at such a victim, seemed to dissolve all ties of confidence between the Yorkists and the exiled malcontents. "Still," says the wise historian, "they rather made the King more absolute than more safe."*

Perkin Warbeck began now to feel that he stood on shifting sands; that longer procrastination might seem to be a renunciation of his claim, and that the competitor for a crown must show his fortitude and prowess if he expects that many should intrust their lives and fortunes in his cause. Collecting a small force in Flanders, he attempted to land near Deal, but was defeated by the people of the country, who took one hundred and fifty prisoners, who were brought to London, "railed with ropes like horses drawing in a cart."† The opportunity which occasioned this attempt was the visit which the King then was paying to his mother the countess of Richmond, for whom he professed much honour and affection, though she was then the widow of the unfortunate Sir William Stanley.

Perkin, disappointed in Ireland, and worsted in England, turned his hopes to Scotland, where rapacity and national antipathy always rendered an irruption into England agreeable. Here the young king, affecting pity for his misfortunes, and professing a conviction of the justice of his title, gave him the hand of the Lady Catherine Gordon, a young lady celebrated for beauty, and near akin to the royal family. James entered Northumberland; but the Scots, as usual, dispersed as soon as they were loaded with booty. No native sword was drawn for Perkin in England. It is said that during the inroad, "when Perkin saw that the Scotch fell to waste, seeing no support given to their cause in the

* Bacon, vol. iii. p. 302. † Holinshed, vol. iii. p. 54. Hall, p. 472.

country, he came to the king and said, with loud lamentation, that this might not be the manner of making the war." Whereupon the king answered in sport, "that he doubted much whether Perkin was not too careful for what was none of his."* Henry grew impatient at last of the constant disquiet and irritation kept up by revolts and conspiracy against his throne. Ayala, the Spanish ambassador in London, at his desire repaired to the court of Scotland, and laboured for almost a year to persuade James to accede to an amicable arrangement; to which, however, the pledged faith of the Scottish prince never to desert Warbeck was an obstacle so formidable, that it was at last thought fit to evade it by omitting all mention of Warbeck by name on James's promise that he should be persuaded to leave Scotland. A long truce supplied in other respects the place of a treaty of peace. Nothing was accounted essential to James's honour but that the adventurer should not seem to have been driven from his refuge by force. He accordingly left with six score adherents in four vessels. He touched at Cork; but having vainly laboured to rekindle the zeal of the earl of Desmond, he landed his handful of followers at Whitsand Bay, in Cornwall, whence he advanced to Bodmin, and there was proclaimed with the royal standard of Richard the Fourth unfurled before him.

He now found, for the first time, a considerable body of native Englishmen who were ready to espouse his cause. The year before, parliament had granted a subsidy equal to two tenths and two fifteenths. On the imposition of a like tax this year, the discontents of the people broke out into revolts, signalised in one instance by the assassination of the earl of Northumberland. The same spirit throughout Cornwall manifested itself with more strength and system. The insurgents marched to Wells under Hamock, "a gentleman learned

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* Bacon, vol. iii. p. 324.

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in the law," and Joseph, a blacksmith, when Lord Audley was chosen by them, gladly and gratefully, to be their commander; then through Wiltshire and Hampshire into Kent, with no discernible object, unless they were encouraged by the traditional fame of the men of Kent, as unconquered lovers of liberty. Audley, seemingly with no aid from the turbulence of London, but entertaining vague hopes from the populace of a great city, took up his position at Blackheath, waiting till the movements of the royal army should determine whether he must give them battle, or attack the capital. The Cornish army was depressed by so long a march, without any appearance of support. Assailed on all sides, rashness was followed by its frequent attendants, sudden apprehension and general panic. The men of Cornwall did not struggle against difficulties with their wonted manhood. In the action which took place, they were totally defeated. Audley was beheaded the next day. "Hamock and Joseph were hanged, drawn, and quartered, after the manner of traitors. Their heads and quarters were pitched upon stakes. The King meant to send them to Cornwall for a terror to others; but fearing that the Cornish men would be the more irritated and provoked, he changed his purpose." *

The remains of the Cornish army retreated to their own province, and soon after received the pretender in his regal style and character. They had been treated with a lenity which perhaps rather proceeded from the policy of suffering the inflammation of men's minds to subside spontaneously, than from the clemency or contempt to which it has been variously ascribed by historians. Exeter was the only town in the west which had preserved its Lancastrian loyalty. Perkin was compelled to raise the siege of that city after a blockade of three weeks. He was now deserted by Frion, a discarded secretary of Henry, who, from the season-

* Holinshed, vol. iii. p. 514.

ableness of his defection, may be suspected to have been throughout more a spy on Perkin than a traitor to Henry. His three remaining counsellors in his last faint struggle are thus sarcastically enumerated by Bacon: "Sterne a bankrupt mercer, Skelton a tailor, and Astley a scrivener." He was still, however, at the head of ten thousand men, and made a show of preparation for battle at Taunton; but while he was amusing his followers by the hope of victory, he escaped from them by night, and registered himself in the sanctuary of the abbey of Beaulieu, in Hampshire.

The sanctuary was, however, surrounded by soldiers, who were required to keep their captive constantly within view. In this situation, beset by spies, weary of confinement, irritated by countless annoyances, and probably doubtful whether Henry's respect for sanctuary would long continue a match for his policy or revenge, he was advised by the royal emissaries, "on his having pardon and remission of his heinous offences, of his own will frankly and freely to depart from sanctuary, and commit himself to the King's pleasure." "Perkin, being now destitute of all hope, lacking comfort, aid, and refuge, when he knew not to what country to fly for succour, having now his pardon offered to him, and trusting to the open promise of men,"* yielded to, perhaps, honest advice. The strong language in which the chronicle describes the forlorn and desperate condition of Perkin, justly despairing of aid from any prince, or of asylum in any other country, manifestly indicates the cause of his temporary importance, and of the utter ruin which had now fallen upon him. He was important only as long as it was the interest of neighbouring princes to throw a firebrand into the English dominions. Political circumstances, however, had altered, and, with the change, the importance of Warbeck had disappeared.

Perkin at first experienced somewhat of that scornful

* Grafton, vol. ii. p. 215.

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pity which it had been thought safe to lavish on the notorious Simnel. He was allowed to walk about London, where he excited the wonder of the populace, and was the object of their sport. He made his escape, however, and took refuge in the priory of Bethlehem at Richmond, now called Shene, where he prevailed on the prior to intercede with the King for his life. The King, anxious to escape the odium of a violation of sanctuary, agreed to spare his life, but commanded that he should stand in the stocks, once at Westminster, and once in Cheapside; at both of which places he read a public confession of his imposture accordingly.

In the Tower of London he met a singular companion, Edward Plantagenet, earl of Warwick, son of George, duke of Clarence, the undoubted heir to the crown, according to the principles of the house of York, who had been a prisoner there for fourteen years. The earliest fact which the unfortunate youth could recollect was the murder of his father, with the aggravation that it was perpetrated by an unnatural brother, and in a manner which bore the appearance of turning fratricide into a jest. For three years he had been imprisoned at Sheriff Hutton in Yorkshire, whence, after the battle of Bosworth, he had been conveyed to the Tower. He was now passing his life in captivity, for no other offence than that he was the sole survivor of the male descendants of Edward the Third. That he should listen with eager credulity to projects suggested by Perkin for their joint deliverance was extremely natural. The two were charged with a conspiracy to set themselves free, by seducing their guards, and disabling or destroying the rest. Whether Perkin was himself the contriver of the plot, or was excited by the government to inveigle Warwick into acts which might give a colour of law to his destruction, is a question which cannot now be satisfactorily answered. The latter supposition seems to correspond best with the events which followed. That Henry

should once, if not twice, have spared the life of Perkin, is an inexplicable circumstance, leading to no certain conclusion, but that the adventurer was not the son of Edward the Fourth, and was not believed to be a person so formidable.

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It is true that the situation of Henry exposed him to changes of purpose, otherwise unaccountable in so sagacious and inflexible a prince. The time was now approaching when the death of Elizabeth of York, which actually took place four years afterwards, was about to divest him of one of his irregular titles to regal authority. He was then to be no more than an illegitimate descendant of the house of Lancaster, themselves usurpers in the eye of all the zealots of hereditary right. And as there is, perhaps, nothing in human affairs so hard to be foreseen as the effect of punishment, it is natural to a prince, however free from the infirmity of compassion, to fluctuate between pardon and rigour, as he may happen to be at the time fearful of offending one party, or apprehensive of strengthening another.

However this may be, it is not probable that, after pardoning Perkin for so many rebellions, the King should have brought him to trial for a plot which, even if true, amounted only to the comparatively venial offence of an attempt, by a prisoner, to escape from his prison. The fact is intelligible, if we adopt the narrative of those who represent Perkin as having been instructed or tempted to decoy Warwick into the appearance of a plot; who go on to assert, that when the destruction of the latter had been resolved on, the proceedings against the former became necessary, to bestow an exterior of reality on the conspiracy. Whatever the secret motives may have been of the change from contempt to rigour, Warbeck was tried and convicted of treasons done by him after he had landed; though it does not appear what these could be, which were not

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comprehended in the pardon. It was not treason to attempt his own escape; and it could not have been treason to aid the like attempt of Lord Warwick, for whose confinement there does not appear to have been a legal warrant. Perhaps the subservient judges held the conspiracy to effect his own deliverance by the aid of some military retainers of the lieutenant of the Tower to have been an overt act of conspiring to rebel, which might have been then (for it is now) held to be an overt act of compassing the King's death.

The only interesting circumstance in the true story of Warbeck is, that he retained to the last the faithful attachment of the Lady Catherine, "the pale rose of England;" an appellation originally assumed by her husband, but transferred by the people to her, as emblematical of her drooping beauty and unsullied purity. Warbeck, on his march eastward, had placed her in St. Michael's Mount, where she was found by Henry's troops, after her husband had taken sanctuary at Beaulieu. Henry feared that she might have been pregnant, and thus have prolonged the race of impostors. The beauty of the faithful and afflicted lady, however, is said to have touched his cold heart. He sent her to the Queen, who placed her in an honourable station in the royal household. She ended her days, long after, as the wife of Sir Matthew Caradoc, beside whose remains she was interred in the church of Swansea.

Two days before the execution of the pretender, the earl of Warwick was brought to trial for treason, in conspiring with some servants of the lieutenant of the Tower to slay their master, and to seize that opportunity of escaping. Fifteen years of lonely imprisonment, chequered by the pernicious indulgence of one warder and the dark severity of another, had produced its natural effects on the unhappy boy. Our ancient historians describe him in pithy though homely terms, as having been reduced to the most abject condition of idiocy.

"He was," says Holinshed, "a very innocent." * Another contemporary writer says, "Being kept for fifteen years without company of men or sight of beasts, he could not discern a goose from a capon." † In this state of utter incapacity to commit a crime, or to defend himself against an accusation, he was convicted by a jury of peers, before the earl of Oxford, the lord high steward, of high treason, and immediately after put to death. Thus perished the last male of the Plantagenets counts of Anjou, who had reigned over England for nearly four hundred years, with a general character of originality and boldness; but who, as Bacon owns, were a race often dipped in their own blood.‡

The extinction of so harmless and joyless a life, in defiance of justice and in the face of mankind, is a deed which should seem to be incapable of aggravation; but the motives, the base interests to which the victim was sacrificed, and the horrible coolness of the two veteran tyrants who devised the crime, are aggravations perhaps without parallel. Henry had been for some time engaged in a negotiation for the marriage of Arthur, his eldest son, with Catherine, the infanta of Spain. In the course of the personal correspondence between the two monarchs, "these two kings understanding each other at half a word, there were letters shown out of Spain, whereby, in the passages concerning the treaty of marriage, Ferdinand had written to Henry in plain terms, that he saw no assurance of the succession as long as the earl of Warwick lived, and that he was loth to send his daughter to troubles and dangers." § It was not till the murder of Warwick might have been foreseen, that the ill-omened nuptials between Arthur and Catherine were celebrated by proxy in Spain; the remembrance of which caused that princess, deeply imbued by the religion or superstition of her country, to

* Holinshed, vol. iii. p. 529.

† Hall, p. 491.

‡ Bacon, vol. iii. p. 365.

§ Ibid.

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exclaim long after, in the most melancholy moments of her life, "The divorce is a judgment of God, for that my former marriage was made in blood!" The length of the proceedings preliminary to the matrimonial negotiation suggests a suspicion that hard conditions had been secretly sought by one of the parties. How came the espousal by proxy to have occurred only six months before the execution of Warwick, when it was easy to see that the disorders and revolts of the kingdom would have afforded a pretext for involving him in a charge of treason? The personal union was delayed till five years after. Will it be thought an over-refinement to discover, in these dates, a delay till the removal of Warwick could be made sure, without bringing the marriage so near to the murder as still further to shock the feelings and strengthen the unfavourable judgment of mankind? Lord Bacon, a witness against Henry, above exception, positively affirms that the flagitious correspondence had been seen in England, and had been shown by the King to excuse his assent to a deed of blood.

The extinction of male heirs of the reigning houses of Burgundy and Brittany was attended with considerable disturbance of that part of the European system to which England belonged. Maximilian, the archduke of Austria, had obtained the Burgundian dominions by marriage with Mary, the heiress of those fine provinces, little inferior to a monarchy. Anne, heiress of Brittany, had given her hand to Charles the Eighth; thereby uniting that great fief to the crown of France. Henry was induced to strike a tardy stroke for the balance of power by landing in France, and laying siege to Boulogne. The situation of Europe at the time threw considerable weight into his scale. Maximilian, sovereign of the Low Countries, courted the alliance of England, a power more interested than any other in the independence of the Belgic territory. Charles was wholly

engrossed with his designs against Naples; the first attempt, since that of the Suabian emperors, to subject a considerable portion of Italy to the dominion of foreigners. The war, however, does not appear to have been pursued with vigour.

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Gradually the position of France was becoming one of more and more influence in European affairs. Though the French invasion of Italy had proved little more than a brilliant incursion with only victory for its reward, yet, in spite of the mountain barrier, of the climate unfriendly to northern armies, and of the Italian aversion to the yoke of transalpine barbarians, the stream of French politics long continued to flow in the direction of Lombardy and Naples. By this war, moreover, the Alps had been divested of their defensive terrors; the road to the most beautiful regions of Europe had been laid open; and the Italians had been taught that the nations beyond the mountains had acquired the rudiments of the art of war, and increased in territory and numbers to an extent that would make the attempt of the states of Italy to cope with them altogether hopeless.

Spain had now reached the highest point in her fortunes; and had prospects brighter than those which any other country could boast. The fall of Granada had established the Christian authority in every province of the peninsula: and the discovery of a new world seemed to open boundless hopes of splendour, wealth, and power. The connection of John of Gaunt and his children with the royal families of Spain and Portugal, had facilitated, perhaps, that union between Spain and England, to which both were attracted by common interest. This union appeared to be now cemented by the marriage of Arthur, prince of Wales, with Catherine, the daughter of Ferdinand and Isabella; and though a human victim had been sacrificed at the celebration of their nuptials, it does not appear that the deed either excited the

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 VII. assassins.

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In the treaties of peace with France, and of alliance with Burgundy, a stipulation of no small importance to Henry's quiet was obtained by him, namely, that no rebel subjects of either power should be harboured or aided by the other. It is observable that the treaty of Etaples with France was ratified by the three estates of Aquitaine, Normandy, and Languedoc, and probably of all the considerable provinces of France; and that a few months after, the same treaty, from which hopes were doubtless entertained of lasting quiet, was also ratified by the three estates of the parliament of England, represented on the occasion in a manner unusual, if not unexampled, by deputations from the three estates in each bishopric in the kingdom. It may be added, that the King did not conclude the peace of Etaples till more than twenty of the highest class of his subjects had addressed him as follows:—"We all and every of us humbly beseech and request the King's grace tenderly to take to his gracious consideration the jeopardies likely to ensue; and for the conservation of his royal person, of us his subjects, and also of his realm of England, to accept the said peace."*

Peace was also concluded with Scotland; and Margaret Tudor, the King's eldest daughter, then given in marriage to the Scottish king, became the stock from which sprang all the sovereigns who have since reigned in Great Britain. This princess had been solemnly wedded on the part of her affianced husband by his proxy, Patrick, earl of Bothwell, in the palace of Richmond. She did not, however, begin her journey to Scotland till the following summer, where the marriage was completed, and the Queen crowned with the usual parade. This union gave quiet to the borders, and established friendship between the monarchs, which a

* Rymer, vol. xii. p. 490.

little while before was perfectly foreign to the minds of both. CHAP. VII.

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Some years before a very singular incident* had occurred, which has received less notice than it deserves, whether as a specimen of the good will and good faith, or of the international law of the period. A secret agreement was entered into by Henry with John, Lord Bothwell, and Sir Thomas Todd, Scottish knights, by which it was stipulated "that James, earl of Buchan, and the said Sir Thomas, should take, bring, and deliver into the said King of England's hands the king of Scots now reigning, and his brother the duke of Ross, or at least the said king of Scotland; the king of England, for the achieving of their said purpose, having lent and delivered unto them the sum of 266*l.* 13*s.* 4*d.*, to be by them repaid to him." Of this extraordinary conspiracy we have no information but that which this document contains. We know, however, that John Ramsay of Balmain, created Lord Bothwell, was one of the favourites whose invidious ascendant over James the Third brought defeat and death on that prince; and there can be no doubt that he and Todd had been driven to take shelter in England by the violence of the victorious factions, for their adherence to the cause of that obnoxious prince. Whether they were influenced by indigence, or actuated by a desire of revenging the death of their master; whether they were seduced by Henry, or courted his aid; are questions which no historical evidence known to be extant enables us to answer. Other parts of Bothwell's life warrant the worst interpretation of his actions. Though pardoned by James, we find him, within two years of his pardon, acting as a spy for Henry at the court of Edinburgh.

The conduct of Henry, however, which is more important, can occasion no difference of opinion or hesitation of judgment. James, for whose abduction this plot

* Rymer, vol. xii. p. 440.

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was formed, was then in the nineteenth year of his age, and already ranked as one of the most accomplished of the royal youth of Europe. One of the truces which had served for nearly a century as substitutes for treaties of peace between the two nations was then in force. The ink with which the articles were written, however, was scarcely dry, when a new agreement was executed by the King of England to tear James from his palace, and drag him to a foreign prison. Death, accidentally or intentionally, was so natural a consequence of the projected outrage, that a statesman so sagacious as Henry must have been prepared for its probable occurrence. To have reduced this murderous purpose to paper is a contempt of shame rarely exhibited by assassins. To have clothed it with all the formalities of a treaty, bestowing on it the solemnities intended for the preservation of peace and justice, is not only to bid defiance to all principles of morality, but to trample under foot the last fragments of a show of duty between nations. It may be alleged, indeed, that as there is no evidence of any attempt having been made to carry this agreement into execution, the offer may have been finally rejected by the English monarch. But, in answer, we may ask how the wages of the assassins were paid beforehand. The mind must be little susceptible of honourable scruples, which has steadily contemplated such a project, and taken measures so serious to realise it.

The King on another occasion showed symptoms of a disposition of the same nature. "Philip the Fair," the son of the emperor Maximilian, being on a voyage to Spain, was driven by storms into Weymouth. Wearied by sea-sickness, against the advice of his more wary counsellors, he ventured to trust himself on shore. Trenchard and Carey, two gentlemen of the west, understanding it to be the maxim of their master to consider strangers as enemies, immediately brought together an armed force. They appeared before Weymouth, and

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invited Philip to remain with them until they should have apprised their sovereign of the arrival of so illustrious a guest. Henry despatched the earl of Arundel with directions to offer an immediate visit from himself to Philip. The latter prince, feeling that he was no longer master of his own movements, and anticipating the King's visit, repaired to Windsor, to pay his court to his royal kinsman, who received him with every mark of friendship and honour, but soon began to turn to account the involuntary residence of Philip in his dominions. Occasion was taken to obtain a renewal of treaties of commerce and alliance; which, if they contained no amendment unduly favourable to England, owed their freedom from actual wrong more to the unskilfulness than to the honesty of the more powerful party.*

But the persecution of a Yorkist was still the favourite pursuit of the English monarch. He chose a moment of courteous and kind intercourse to sound Philip as to the possibility of removing the jealousy, or satisfying the revenge, of which one of the most unhappy of these exiles was the object. “ Sir,” said Henry to Philip, “ you have been saved upon my coast; I hope you will not suffer me to be wrecked on yours.” The latter asked what he meant. “ I mean,” said the King, “ that hair-brained wild fellow, the earl of Suffolk, who is protected in your dominions.” “ I thought,” replied Philip, “ your felicity had been above such thoughts; but if it trouble you, I will banish him.” “ These hornets,” said the King, “ are best in their nest, and worst when they fly abroad. Let him be delivered to me.” “ That,” said Philip, “ can I not do with my honour, and less with yours; for you will be thought

* The Flemings, however, thought otherwise; for they called the treaty *Intercursum malus*, as the great commercial treaty was called *Intercursum magnus*. These treaties are in Dumont, Corps Diplom. vol. ii. pp. 30-76. S3.

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to have used me as a prisoner." "Then," said the King, with ready shrewdness and craft, "the matter is at an end; for I will take that dishonour upon me, and so your honour is saved." Philip closed the conversation with equal quickness, and more honourable address:—"Sir, you give law to me; so will I to you. You shall have him; but upon your honour you shall not take his life."* The ill-fated subject of this conversation was John de la Pole, the nephew of Edward the Fourth. He was committed to the Tower on his arrival in England. The King kept the word of promise during the short remainder of his reign, but left directions for the murder of his prisoner to his son. The command, however, was not executed for several years after the accession of the latter. It having been said, that "the people were so well affected to the house of York, as that they might take De Pole out of the Tower, and set him up, it was thought fit that he should be despatched out of the way; whereupon they cut off his head."†

The object of Philip's winter voyage to Spain suggested thoughts not likely to calm the apprehensions by which Henry was haunted after the deaths of the Queen and of Arthur, prince of Wales. Ferdinand, king of Aragon, by his marriage with Isabella, queen of Castile, had united all the Christian territories of the Peninsula except Portugal. But as Isabella had retained her independent sovereignty over Castile, the continuance of the union of the two crowns depended on the lives of the two sovereigns. When Isabella died, Castile and its dependencies were inherited by Joanna, her eldest daughter, the wife of "Philip the Fair." That unfortunate princess, surrounded with all the majesty and magnificence of the world, was not only sunk below the duties of royalty, but unable to taste its amusements and gratifications. She was early reduced to a state of mental disorder fluctuating between a sluggish melan-

* Bacon, vol. iii. p. 397.

† Dugdale, vol. ii. p. 190.

choly and the illusions of insanity. Her passion for her husband, ill requited from the commencement of their union, was rendered fulsome and loathsome by her malady; and it was not till his decease, when she herself was in the sixth month of her pregnancy, that she had full scope for her wild but harmless fancies, in arraying him in his royal ornaments, and watching by the bed of state for his restoration from death.

In consequence of her total incapacity, Ferdinand, though he had proclaimed Philip and Joanna king and queen, at the same time declared himself regent of the kingdom. Philip, who carried every where the poor lunatic with whose name he covered his power, was, at the time of his visit to England, on his voyage for the recovery of the regency of Castile; which attempt, being seconded by the dislike of the Castilians for Ferdinand and the Aragonese, very speedily succeeded. But his success was almost immediately followed by his death, while his wretched wife was doomed to bear the burden of life for nearly fifty years longer.

These occurrences seemed to foreshow the danger to which Henry might be exposed by circumstances in the condition of his own family not wholly dissimilar. The death of Elizabeth has already been mentioned. Arthur, prince of Wales, had espoused Catharine of Spain, and died five months after. A treaty had been then signed for the marriage of Henry, now prince of Wales (afterwards Henry the Eighth), to his brother's widow. This union had been sanctioned by a bull of Pope Julius the Second, certainly indicating no doubts as to the extent of his authority, or the validity of his dispensation; in which, after reciting the previous marriage, he proceeded to pronounce, that even if the union with Arthur had been perhaps consummated, yet he relieved both parties from the censure which might be otherwise incurred by such an alliance, dispensed with the impediment to their nuptials which the affinity had caused.

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authorised them to solemnize their marriage, and to remain conjoined in lawful wedlock; and, lastly, as a necessary consequence, decreed that the children who might be the progeny of their union should be held and deemed to be legitimate. The new prince of Wales was then in his thirteenth year, and his aspiring and domineering character probably even then betrayed a determination to assert all his plausible pretensions.

No saying recorded of Henry, though he was called the "Solomon of England," shows more sagacity than his answer to the counsellors who objected to the Scottish marriage, that the kingdom might by that connection fall to the king of Scotland. "Scotland would then," said he, "become an accession to England, not England to Scotland: the greater would draw the less: it is a safer union for England than one with France."*

An examination of the laws of this reign would neither suit the purpose nor the limits of this undertaking. Several reforms in private legislation, principally founded, however, on practice introduced by the judges, honourably distinguish it from many others. The statute-book attests the universal distemper of the community during the civil wars, and bears frequent marks of the vigorous arm of a severe reformer, employed in extirpating the evils of long licence. Of these, not the least remarkable is the act commonly entitled "The Act for the authority of the Star Chamber," of which the first object seems to have been the suppression of the unlawful combinations endangering the public quiet, or disturbing the ordinary dispensation of law. No words in the statute expressly comprehend libels or other political misdemeanors, in its prosecution for which the court subsequently became deservedly odious. Neither does it appear from the statute that the name of "Star Chamber" was then bestowed upon it, or that it was regularly composed of the King's council, either ordinary

* Bacon, vol. iii. p. 379.

or privy. The early history of these councils is obscure : but they appear to have derived jurisdiction sometimes from acts of parliament, and oftener, perhaps, to have assumed it by a usurpation, which usage in due time legitimated. The court established by the statute in question was composed of the chancellor, the treasurer, the privy seal, "calling to themselves a bishop and a temporal lord of the King's most honourable council," and the two chief justices ; and they appear early to have appropriated to themselves many fragments of the authority anciently exercised by the council, as well as to have stretched their jurisdiction beyond the boundaries prescribed to it. A tribunal composed of five of the King's servants, removeable by him at pleasure, invested with a right of selecting two other members on whose subserviency they could rely, would have had resistless temptation to encroachment on the rights of the subject, even if the judges had not been so powerful as to defy all ordinary consequences, and if the very letter of the law had not quickened their passion for discretionary powers, by alleging the disturbance and failure of justice in its ordinary course, as the reason for the establishment of the new tribunal. Their jurisdiction over juries, in effect, subjected the laws to their will. When they animadverted on a verdict, they had an opportunity of re-trying the cause in which it was given, and thus of taking cognizance of almost all misdemeanors, especially those of a political nature, which they might plausibly represent as offering most obstacles to the course and order of the common law. From these and the like causes sprang that rapid growth of the arbitrary power of this court, which, if the constitution had not overthrown it, must have worked the downfall of the latter.*

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* See Mr. Hallam's Constitutional History, chap. i., a work from which I seldom differ, and never without distrust of my own judgment.

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Lord Bacon, indeed, tells us, that "this court is one of the sagest and noblest institutions of this kingdom." "There was always a high and pre-eminent power in causes which might concern the commonwealth; which, if they were criminal, were tried in the star chamber." "As the chancery had the praetorian power for equity, so the star chamber had the censorian power in offences under the degree of capital." * Such opinions, expressed by a man whose fall from public life had released him from its restraints, in a book rather addressed to the King than to the people, are a pregnant proof how little the secret doctrines of eminent statesmen concerning the comparative value of various institutions may sometimes correspond to the language with which the plausibilities of political life may compel them to amuse the multitude.

A law was also passed in this reign, providing that those who should serve a king "for the time being," should in no wise be convicted or attainted of high treason, nor of other offences. "The spirit of this law," says Bacon, "was wonderfully pious and noble," with much more justice, doubtless, than when he applied the like terms of honour to the court of star chamber. But we are left without the means of ascertaining what were the inducements of Henry to pass a law against which the historian insinuates some censure, as "being rather just than legal, and more magnanimous than provident." Monarchs and ministers seldom change the laws on general grounds of policy. The greater part of them can seldom be roused by any stimulant weaker than a present and urgent interest to undertake innovation. In this case the popularity of the measure among the nobility as a means of saving their estates from forfeiture, was probably one of the motives of its adoption. There can hardly be any doubt that the apprehension of

* Bacon, vol. iii. p. 224.

danger to the King himself, if he should survive the Queen, from the prince of Wales, or from some one of the numerous body who, being legitimate descendants of the Plantagenets, had better claims than he to inherit the crown, was another and probably a principal motive for passing the law. After all, perhaps, it was chiefly owing to the ruling passion of the King's public life, a furious zeal against the partisans of the house of York. This act tacitly condemned their distinction between actual and legitimate kings, and satisfied his revenge for the insult which had been offered to the Lancastrian princes by branding them as usurpers. It might, perhaps, be plausibly stated by the advocates of Perkin, that the act, which was passed during his imposture, is a testimony to the importance of the pretender, and affords proof that Henry entertained fears from him, only to be explained by a suspicion, if not a conviction, of his legitimacy. The other causes, however, seem to be adequate; and it appears to be a more natural inference, to consider as proofs of Henry's contempt for the title of the pretender, that such a law was passed, and that not long after Warbeck was pardoned, and only put to death as one of the means of bringing Warwick to destruction.

Henry, prompted by the marvellous tales of gold and silver in America, which the Spanish adventurers had spread over Europe, commissioned a Venetian mariner, Sebastian Cabot, who had settled in Bristol, to fit out a small squadron for the discovery, conquest, and occupation of the lands beyond the western ocean, inhabited by heathens and infidels, and till these times unknown to Christians.* Unaided by the niggardly King, it was not until five years after the discovery of the New World that Cabot succeeded in fitting out one ship from Bristol, and three small vessels from London, fraught

* Rymer, vol. xii. p. 595.

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with some trifling wares adapted for commerce with barbarians. He related on his return, that he had sailed to the north-westward as far as the coast of Labrador, in the sixty-eighth degree of north latitude, and had also coasted the vast territories to the south of the gulf of Florida. Whether Cabot, or Columbus himself, or Amerigo Vespucci, a Florentine, was the first European who saw the continent since called America, has been disputed with a zeal which often burns most fiercely in questions seemingly the least adapted to kindle passionate controversy.

The commercial treaty between England and Burgundy, called "the Great Intercourse," is not only an important event in the history of the most industrious and opulent of the Transalpine states, but deserves attention, as a prophecy of those revolutions in the state of society, both in Europe and America, with which the great importance ascribed to such negotiations now shows that the world was beginning to be pregnant. A reciprocal liberty of trading to each other's ports without passport or licence, and of fishing on the coasts of either party, was stipulated. They agreed to protect each other from pirates. All ship-masters were required to find security that they should not commit piracy against the contracting parties. The ships of one party, driven by storm or enemies into the havens of the other, were to be entitled to protection during their stay, and might freely depart when they pleased. The licentious practice of pillaging shipwrecks was restrained till a year should elapse from the time of the wreck. The rights of the traders of one nation on the land of the other were secured. The arrest of foreign debtors was regulated. The importation into either country of the goods of its enemy was forbidden. An attempt was even made to abolish one branch of that species of private war which civilised nations even at

this day carry on. It was stipulated that no letters of marque or reprisal should be granted to individuals, till after due warning to the sovereign of the wrongdoer.*

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Some of the articles of this treaty, mitigating the excesses of war, indicate, if not a sense of justice, which must be equal and universal, at least a sense of common interest, which is the road to the higher principle. No other transaction had before so strongly evinced that Europe was beginning to recognise a reciprocity of rights and duties between states, and to reverence a code of rules and usages as much morally obligatory on nations as the ordinary maxims of private duty are on individuals.

The vast importance of a free and active exchange of all the products of human industry manifestly appears, from this treaty, to have become an article in the political belief of some persons. When we now read such national transactions, we feel that those mighty, but unobserved, changes were fast approaching which were to raise the middle class to more influence than they had ever before enjoyed; to restore personal property to that equality with real, of which the feudal institutions had robbed it; in due time to extend political importance to the lowest limits of liberal education; and at length to diffuse that education so widely as to alter the seat of power, and to bring into question many opinions hitherto prevalent amongst statesmen.

That the rise of the pacific and industrious classes should have coincided with the discoveries of a new continent and of eastern commerce, can only be thought accidental by shallow observers of human affairs. When we consider the previous discoveries, the coincidence of the voyage of Columbus with that of Gama, and with

* Dumont, *Corps Diplom.*, vol. iv. 132. Macpherson's *Annals of Commerce*, vol. ii. p. 8.
pp. 30. 83. Rymer, vol. xiii. pp. 6.

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the conclusion of the treaty now under consideration, it appears evident that the growing wealth of the trading body was the parent of the passion for discovery, and the most important agent in the expeditions against the New World. The attraction of romantic adventure, the impulse to explore unknown lands, doubtless added dignity to such enterprises; and some of the higher classes engaged in them with a portion of the warlike and proselytising spirit of crusaders. But the hope of new produce, and of exchanges more profitable, were the impelling motives of the discovery. The commercial classes were the first movers. The voyages first enriched them, and then contributed to raise them to a power of which no man can now either limit the extent, or foretell the remote consequences. As America was discovered by the same spirit which was beginning to render all communities more popular in their structure, it is not singular that she should have herself most widened the basis of government, and become the most democratic of states. That vast continent was first settled for its rich commodities. It is now contemplated at a higher stage of its progress, for its prospects, its men, and its laws, to which the wisest men will not be the most forward to apply the commonplace arguments and opinions founded on the ancient systems of Europe.

The hoard amassed by Henry, and "most of it under his own key and keeping in secret places at Richmond," is said to have amounted to near one million eight hundred thousand pounds, equivalent to about sixteen million pounds now; an amount of specie so immense as to warrant a suspicion of its having been exaggerated, as might easily have been the case in an age when there was no control from public documents on a matter of which the writers of history were ignorant. Our doubts are considerably warranted by the com-

putation of Sir William Petty, who, a century and a half later, calculated the whole specie of England at only six million pounds. This hoard, whatever may have been its precise extent, was too great to have been formed by frugality alone, even under the penurious and niggardly Henry. A system of extortion was employed, which "the people, into whom there is infused for the preservation of monarchies a natural desire to discharge their princes, though it be with the unjust charge of their counsellors, did impute unto Cardinal Morton and Sir Reginald Bray, who, as it after appeared, as counsellors of ancient authority with him, did so second his humours as nevertheless they did temper them. Whereas Empson and Dudley, that followed, being persons that had no reputation with him, otherwise than by the servile following of his bent, did not give way only as the first did, but shaped his way to those extremities for which himself was touched with remorse at his death."*

The means of exaction chiefly consisted in enforcing slumbering laws, in commuting penalties for money, and in the sale of pardons and amnesties. Every revolt was a fruitful source of profit. When the great confiscations had ceased, much remained to be gleaned by true or false imputations of participation in treason. To be a dweller in a disaffected district, was, for the purposes of the King's treasure, to be a rebel. No man could be sure that he had not incurred mulcts or other grievous penalties, by some of those numerous laws which had so fallen into disuse by their frivolous and vexatious nature as to strike before they warned. It was often more prudent to compound by money, even in false accusations, than to brave the rapacity and resentment of the King and his tools. Of his chief instruments, "Dudley was a man of good family, eloquent, and one that could put hateful business into

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* Bacon, vol. iii. p. 409.

CHAP. good language. Empson, the son of a sieve-maker of
 VII. Towcester, triumphed in his deeds, putting off all other
 1509. respects. They were privy counsellors and lawyers,
 who turned law and justice into wormwood and rapine.* They threw into prison every man whom they could indict, confining him, without any intention to prosecute, till he ransomed himself. They prosecuted the mayors and other magistrates of the city of London for pretended or trivial neglects of duty, long after the time of the alleged offences: subservient judges imposed enormous fines, and the King imprisoned during his life some of the contumacious offenders. One Alderman Hawes is said to have died heart-broken by the terror and anguish of these proceedings.† They imprisoned and fined juries who had hesitated to lend their aid when it was deemed convenient to seek it. To these, Lord Bacon tells us, were added "other courses fitter to be buried than repeated."‡ Emboldened by long success, they at last disdained to observe "the half face of justice;"§ but summoning the wealthy and timid before them in private houses, "shuffled up" a summary examination without a jury, and levied such exactions as were measured only by the fears and fortunes of their victims.

Henry, who had enjoyed sound health during his life, was, at the age of fifty-two, attacked by a consumption, which, early in the distemper, he deemed likely to prove fatal. He died in the twenty-fourth year of a troublous but prosperous reign, in the palace at Richmond, which he had himself built. He was interred in that beautiful chapel at Westminster which bears his name, and which is a noble monument of the architectural genius of his age.

Henry was pacific though valiant, and magnificent in

* Bacon, vol. iii. p. 380.

† See examples in Bacon, vol. iii. p. 404

‡ Ibid. p. 382.

§ Ibid. p. 381.

public works, though penurious to an unkingly excess in ordinary expenditure. The commendation, that "he was not cruel when secure,"* cannot be justified otherwise than as the general colour of his character, nor without exceptions, which would allow a dangerous latitude to the care of personal safety. His sagacity and fortitude were conspicuous; but his penetrating mind was narrow, and in his wary temper firmness did not approach the borders of magnanimity. Though skilled in arms, he had no spirit of enterprise. No generosity lent lustre to his purposes: no tenderness softened his rigid nature. We hear nothing of any appearance of affection, but that towards his mother, which it would be unnatural to treat as deserving praise, and which in him savoured more of austere duty than of an easy, delightful, and universal sentiment. His good qualities were useful, but low: his vices were mean: and no personage in history of so much understanding and courage is so near being despised. He was a man of shrewd discernment, but of a mean spirit and a contracted mind. His love of peace, if it had flowed from a purer source, would justly merit the highest praise, as one of the most important virtues in a ruler; but in Henry it was deeply tinged by the mere preference of craft to force, which characterised his policy. In a word, he had no dispositions for which he could be admired or loved as a man; but he was not without some of the most essential of those qualities which preserve a ruler from contempt, and, in general, best secure him against peril. Activity, perseverance, foresight, vigilance, boldness, both martial and civil, conjoined with a wariness seldom blended with the more active qualities, eminently distinguished his unamiable but commanding character. His religion, as far as we are informed, never calmed an angry passion, nor with-

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* Bacon, vol. iii. p. 381.

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held him from a profitable wrong. He seems to have shown it chiefly in the superstitious fears which haunted his deathbed, when he made a feeble attempt to make amends for irreparable rapine by restoring what he could no longer enjoy, and struggled to hurry through the formalities of a compromise with the justice of Heaven for his misdeeds.

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